BELL's REPORTS

OF THE STATE TRIALS

FOR

HIGH TREASON.

The Arraignment.

OLD BAILEY, SATURDAY, OCTORER, 25, 1794.

FIRST DAY.

FOR the Trials of the Prisoners, the Commission consisted of the following

JUDGES:---

Sir JAMES EYRE, Lord President,

Chief Baron MACDONALD, Judge BULLER,
Baron HOTHAM Judge GROSE, &c. &c.

At ten o'clock the LORD PRESIDENT, accompanied by the other JUDGES, the LORD MAYOR, the RECORDER, and six Aldermen, took their seats on the Bench.

After the usual Proclamation, Mr. KIRBY, the Keeper of Newgate, was ordered to bring to the Bar all the Prisoners in his custody against whom the GRAND JURY had found their

FIRST BILL OF INDICTMENT,

Viz.

THOMAS HARDY, late of Westminster, in the County of Middlesex, Shoemaker.

JOHN HORNE TOOKE, late of Wimbledon, in the County of Surrey, Clerk.

JOHN AUGUSTUS BONNEY, late of the Parish of St. Giles in the Fields, in the County of Middlesex aforesaid, Gentleman.

STEWART KYD, late of London, Esquire.

JEREMIAH JOYCE, of the Parish of Saint Mary-le-bonne, otherwise Marybonne, in the County of Middlesex aforesaid, Gentleman.

THOMAS HOLCROFT, late of the Parish of St. Mary-le-bonne, otherwise Marybone, in the County of Middlesex aforesaid, Gentleman.

JOHN RICHTER, late of Westminster, in the said County of Middlesex, Gentleman.

JOHN THELWALL, late of Westminster, in the County of Middlesex aforesaid, Gentleman.

JOHN BAXTER, late of the Parish of Saint Leonard, Shoreditch, in the County of Middlesex aforesaid, Labourer.

The three other persons included in the same Indictment, viz. THOMAS WARDLE, MATHEW MORE, and RICHARD HODGSON, have not yet been apprehended.

The Court, immediately on their appearance, wished to know, whether the Prisoner's Counsel attended in pursuance to their nomination and appointment?

Mr. GURNEY replied, that in addition to his learned friends present, who had been retained, he expected Mr. ERSKINE, Mr. GIBBS, and Mr. F. VAUGHAN, who had been nominated by the Court.

The Court condescended to wait a few minutes.

The windows which are behind the Bar, where the Prisoners were, having been previously let down by the LORD PRESIDENT's orders, so as to admit a strong current of air, the following observations were made by

Mr. HORNE TOOKE.—"My Lord, I beg leave to represent to the Court, that we have just come out of a very confined and close hole, and the windows now opened at our backs, expose us to much cold air, that our health, particularly my own, will be considerably endangered, and most probably we shall loose our voices before we leave the place. I shall, therefore, request of the Court to be dismissed as soon as their convenience will permit."

The LORD PRESIDENT of the COMMISSION.—"If you are prepared to plead, Sir, you may be dismissed almost immediately.—We were waiting for your Counsel that you might have the benefit of their assistance.

Mr. H. TOOKE.—"My Lord, in a great measure am I prevented from being now able to say any thing on the subject of the Indictment, from the circumstance of our not having had the ten clear days allowed by Act of Parliament, to persons in our situation. By the change of custody a whole day has been completely lost to us; in consequence, we have not had an opportunity of conversing with our Counsel.—Mr. ERSKINE and Mr. GIBBS had engaged themselves to dine with me on Friday, for the purpose of conferring together on the business of this day. Notice was given me, as late as nine or ten on Thursday night only, of my intended removal; I was removed by eight o'clock the next morning: it was perfectly impossible for me, therefore, to take the advantage of my Counsel's advice, as our arrangements were thus completely destroyed, and all my papers, which I had collected and arranged

in the Tower, thrown into disorder and confusion. Your Lordship—who never was a prisoner—can have but a very imperfect idea of the change of custody."

The LORD PRESIDENT.—"The Court is inclined to make every allowance that can be expected, and is willing to wait till the arrival of your Counsel."

Mr. TOOKE.—"Rather than catch cold, I should choose to plead at present. I ask no indulgence, but desire substantial justice. When I mentioned the circumstance of the day's loss, I did not by any means wish to cause delay.—It is undoubtedly clear that the Act, which says, that *not less* than ten days should be allowed, by no means meant to preclude the accused from having the advantage of *more* than ten days, if necessary for the preparations of materials requisite for their defence. I hope that no inconvenience will arise to us from the shifting of custody:—but we certainly have not had the indulgence which that Law intended us. I am, however, ready to plead, though deprived of the advantage of my papers, and the benefit of advice. We have been six months in close confinement, without being able yet to imagine what was the nature of the charges to be brought against us, nor have we been able to discover it from the Indictment found against us."

Mr. THELWALL.—"My Lord, I think it part of my duty, an act of justice to myself and my country, to mention, in this public manner the hardships we have suffered. Not to mention the loss of a day, I myself have to complain of a circumstance very detrimental indeed to me. I have been deprived of the benefit of my books and papers which I had collected together, and arranged in the Tower. When we were removed from the Tower, the Sheriffs thought proper not to allow me time sufficient to take them with me; I do not mean to attach any blame to them, when I mention this, for with great politeness they promised I should have them sent me. Afterwards, when I had an opportunity of sending for them through the medium of a friend who was sending to the Tower for some things he wanted, I was refused, and received an evasive answer. I was informed, that they could not send what I wanted, as I had a number of other things there, and they must be sent for together, as it would be necessary to have a separate coach for them. This morning I received a second evasive answer. I mention this circumstance not with any view of delay, for I am as anxious, as any man can be for any thing, to meet the Justice of my Country."

Mr. SHELTON, the principal Clerk of the Arraigns, then read the Indictment. It stated, that "the Prisoners, being Subjects of our Lord the King, and not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the Devil, as false Traitors against our said Lord the King, their supreme true lawful and undoubted Lord, and wholly withdrawing the cordial love and true and due obedience which every true and faithful Subject of our Lord the King should and of right ought to bear towards our said Lord the King, and contriving and with all their strength intending traitorously to break and disturb the peace and common tranquillity of the Kingdom of Great Britain, and to stir, move and excite insurrection, rebellion and war against our said Lord the King within this Kingdom, and to subvert and alter the Legislature, Rule and Government now duly and happily established in this Kingdom, and to depose our said Lord the King from the Royal State, Title, Power and Government of this Kingdom, and to bring and put our said Lord the King to death, on the first day of March, in the thirty-third year of the reign of our Sovereign Lord the now King, and on divers other days and times, as well before as after, at the Parish of St. Giles, aforesaid, in the County of Middlesex aforesaid, maliciously and traitorously, with force and arms, &c. did amongst themselves, and together with divers other false Traitors, whose names are to the said Jurors unknown, conspire, compass, imagine and intend to stir up, move, and excite insurrection, rebellion and war against our said Lord the King, within this Kingdom of Great Britain, and to subvert and alter the Legislature, Rule and Government, now duly and happily established within this Kingdom of Great Britain, and to depose our said Lord the King from the Royal State, Title, Power and Government of this Kingdom, and to bring and put our said Lord the King to death."

The crimes of compassing and imagining the death of our gracious and truly benign Sovereign, were in the Indictment supported on nine overt acts.

The Prisoners were then severally asked the usual questions. "*Guilty or not Guilty?*—"*How will you be tried?*"

Mr. HARDY.—"*Not Guilty.*"—"*By God and my Country.*"

Mr. TOOKE.—"*Not Guilty.*" On being asked how he would be tried? he eyed the Court for some seconds with an air of significancy, which few men are so well able to assume, and, shaking his head, emphatically said—"*I* WOULD *be tried by God and my Country.*"

The others answered in the usual manner.—"*Not Guilty.*"—"*By God and my Country.*"

Mr. BONNY was about to make some remarks, when he was interrupted by

The LORD PRESIDENT.—"TOOKE having complained of the coldness of the air, may withdraw."

JOHN AUGUSTUS BONNEY.—"My Lords, there is an *error* in this *indictment*, which entitles

me to plead in abatement. I am described late of the parish of *St. Giles in the Fields*, whereas I ought to have been described of the parish of *St. Pancras*. I never did reside in the parish of St. Giles. But, my Lords, I am also charged by this indictment with having committed treason in the parish of St. Giles; and as my description is just as true and correct as this assertion, I am content to take my trial upon the indictment in its present form; for I look forward with earnest and anxious expectation for the day when a Jury of my country shall justify me from the aspersions thrown on my character by this indictment: I therefore wave my objection, and plead generally, that *I am not Guilty*."

Mr. THELWALL.—" There is a circumstance, my Lord, which my Counsel have informed me would entirely quash this Indictment as far as regards me, if I were inclined to take advantage of it. My description is not right: I am described as an inhabitant of *Westminster*, whereas I reside in the *Liberties* of the *Dutchy* of *Lancaster*. Anxious as I am to have my conduct examined into by my country, I despise the idea of availing myself of any paltry subterfuge. I feel perfectly convinced, that when the long expected day shall come, that no *honest* Jury can say otherwise than I do now:—NOT GUILTY."

Mr. BONNEY then said—" I beg that your Lordships will allow me a few words before we quit the bar. I assure you, if I had been arraigned for any known and certain treason, for murder, or for felony, I would ask no favour of your Lordships; but when I stand before you upon a case, in which (and I believe I have your Lordship's opinion in my favour on the subject *) if the facts charged against us should be proved, there would still be very great doubt upon the law.—I trust I do not make an improper request when I solicit your Lordships, that we may be allowed as many of the little comforts and conveniences of life (to which we have been accustomed) as may be consistent with the security of our persons. Your Lordships, I am sure, will agree with me, that a situation in which a man can neither sleep by night, nor cast his eye on a ray of comfort by day, is not much adapted to prepare his mind for so important a trial as mine—and yet my Lords, such is my situation.

" I beg to be understood not to intend the smallest insinuation against the SHERIFFS, their language and their countenances when they visited me yesterday in my cell, sufficiently convinced me of the concern they felt at not being able to afford me better accommodation. My request, therefore, to your Lordships is, that we may be remanded to the custody of the Governor of the Tower, where we have been treated, for two and twenty weeks, with the greatest humanity and attention."

Mr. RICHTER and Mr. BAXTER also complained of the want of accommodation in the places where they were confined.

The LORD PRESIDENT.—" I must repeat, that the Court can only refer you to the discretion and humanity of the SHERIFFS, who have already undertaken to pay attention to your complaints."

Mr. ATTORNEY GENERAL.—" My Lord, as the Prisoners have signified their desire to be tried separately, I move that Mr. HARDY be tried first: and that the warrants, made necessary by a late Act of Parliament, for constituting the Commission, be recorded."

Mr. ERSKINE corroborated what had been advanced by Mr. TOOKE respecting the intended consultation in the Tower, on Friday last, when the shifting of custody prevented it. A day was consequently lost to the Prisoner. He therefore requested indulgence for his Clients till Tuesday next.

The LORD PRESIDENT.—" What says the ATTORNEY GENERAL?"

The ATTORNEY GENERAL.—" My Lord, the only wish that I have in the discharge of this painful duty, is, that a Jury of the Country should finally decide upon a charge already found true by a respectable Grand Jury. The prisoners had the requisite legal notice of their trials; and it is their own fault if they omitted holding consultation with their counsel till the day when it became necessary to remove them. But if the Court finds no embarrasment in the proposed delay, there is nothing on my part which can induce me to object to it. Should the proposition, however, be adopted, it will be necessary for the Court to sit again on Monday to adjourn the proceedings *pro forma*; and the SHERIFFS will be obliged to again summon the Jury."

The LORD PRESIDENT.—" The Court is not so limited in point of time as to think that the delay proposed will be attended with any material inconvenience to the public business. The farther proceedings will therefore be adjourned to TUESDAY; and though the Court may have occasion to meet again on Monday, the SHERIFFS, in the mean time, will give such notices as may save the Jury the trouble of attending till TUESDAY AT SEVEN IN THE MORNING. It is intended that the Trials shall commence at EIGHT o'clock precisely."

The SHERIFFS promised thas these instructions should be carefully attended to.

The LORD PRESIDENT.—" *Hardy*'s trial is the first."

The Court was then adjourned till Monday morning.

* Vide Chief Justices Charge to the Grand Jury.

TRIALS FOR HIGH TREASON.

TRIAL OF THOMAS HARDY FOR HIGH TREASON.

OLD BAILEY, TUESDAY, OCTOBER, 25.

SECOND DAY.

THIS Day at Eight o'clock precisely the Court assembled, and the Prisoner THOMAS HARDY being brought to the bar, the PETTY JURY were called over, and the major part were found to be in their places. Some apologies were made for the absent, and some excuses accepted for the present Members, who were infirm or aged. Others on the Plea of not being freeholders in the county of Middlesex.

The peremptory challenge was made by Mr. ERSKINE to the legal number of five and thirty Jurors. The CROWN also excepted to a few, and concurred in the exception against one person, whom therefore we do not name.

At length by TEN o'clock, the nomination had been gone through, and the following TWELVE Gentlemen were impanneled to try the cause at issue, between our Sovereign Lord the KING, and the Prisoner THOMAS HARDY.

Thomas Buck, Esq.—*Back-lane, Acton.*
Thomas Wood, Esq. Coal Merchant—*Ealing.*
William Frazer, Esq.—*Queen's-square, Bloomsbury.*
Adam Stainmitz, Esq. Biscuit Baker—*Limehouse.*
Newall Connop, Esq. Distiller—*Shadwell.*
John Mercer, Esq. Mealman.
Thomas Sayer, Esq. Distiller—*Bow.*
Richard Carter, Esq.—*Paddington-street.*
Nathaniel Stonard, Esq. Brewer—*Bromley.*
Joseph Nicol, Esq. Gentleman farmer, *Wilsdon.*
John Charrington, Esq. Brewer—*Mile-End.*
Joseph Ainsley, Esq. Coal Merchant—*St. George's in the East.*

The Cryer then pronounced the accustomed OYES, and the Clerk read the Indictment. Mr. WOOD, Solicitor for the Treasury, briefly recapitulated the Counts of the Indictment; after which the ATTORNY GENERAL rose to open the prosecution on behalf of the Crown.—Sir J. SCOTT delivered himself in substance as follows:—

Gentlemen of the Jury,

I am about to offer in the course of the business entrusted to my care, very weighty and momentous matters to your serious and solemn consideration.—They involve the most serious interests of the State and the general happiness of the People. In the progress of what I shall have the honour to address to you, it will be necessary for me to call your attention frequently to the Charges specified in the Indictment; but at present I forbear adverting to particular allegations, and lay before you a general idea of the offences with which the Prisoner is charged.

Gentlemen, it will be sufficient for me to say at present, that he is accused of compassing and imagining the Death of the King, and thereby seeking to overthrow the present system of Government in these Realms. Gentlemen, I need not mention to you those alarming rumours of Treason, the extent of which no man knew; and which called forth, by the interference of Parliament, an extension of authority, through which certain suspected persons were committed by the Privy Council. An Act passed by the wisdom of the Legislature, to whom it did appear, that a foul and traitorous Conspiracy had been formed for the purposes aforesaid, and the Act authorized the detention of such persons in safe custody, without bail, mainprize, or discharge.

This measure is by our Constitution never permitted but upon great and extraordinary emergencies—We are slow to suspend the operation of the HABEAS CORPUS; it yields only when general good demands the sacrifice of particular advantage. We part with individual liberty to make the freedom of all more permanent and secure.

I should be unworthy to appear before you, were I the defender of an Act, whose construction stretched beyond the extent, which general salvation might require. His MAJESTY directed that a Special Commission should examine into and report upon the causes of such alarming appearances, and a Grand Jury of liberal and enlightened men upon full proof have determined—that there is good and sufficient ground of charge against the persons described in the Indictment.

However, Gentlemen, I have no hesitation in stating to you, that the strong terms in which Government have brought forward this business to Parliament, the Act of that Legislative Assembly, and the opinion of the Grand Jury, ought to have no weight upon your minds or influence on your judgments.—It is sufficient merely that it brings it seriously to your consideration—the PRISONER stands in the full right of presumed innocence, until by the proofs of facts which we bring before you, he shall be criminated, if so, you may determine.

I beg therefore, that as far as possible you will permit no publication or conversation, either for or against to influence your minds—that as far, as it may be possible, you will hear and know only the evidence produced, and decide upon the testimony of credible witnesses.

That you may the better perceive the nature and scope of the law of Treason, it will be necessary to consider the two-fold functions of the KING. In the first place, by the advice of his Privy Council co-operating with the Lords and Commons he has the power of Legislation—He carries into execution the laws when they are made, subservient only to such checks as a jealous zeal for our privileges have laid upon the Royal Authority. While the present Government exists to strike at him is to assault the state; if his power be impaired the Constitution is lost.

By the Act of the 25 Edward III. upon which statute the present trial is brought, our Ancestors eager to define and settle the boundaries of treason, have fully explained their ideas of his rights.—As he being the head of the State is bound agreeably to law to govern and protect his subjects, so is every subject bound in firm allegiance to the Monarch, to defend him against either foreign or domestic enemies of his PERSON, his CROWN, and DIGNITY. That Crown is hereditary, but subject to limitation—to do all the good of which the function is capable, we have clothed him with dignity, and surrounded him with allegiance.

But he must reign according to law, he is bound to do so by his Coronation oath, he must administer Justice according to the statutes; he is bound to preserve the Laws of God inviolable, to maintain our Religion, and hold sacred the Rights of the People. He cannot govern otherways—such as his power is received, such he must maintain it. If the People could ever arrive at the power of promulging laws (not statutes) he is bound to resist them; it is the Constitution which he has sworn to maintain, and he must not be foresworn.

If it should be said that those who yet might mean to depose the King, meditated no design upon his life; the answer may properly be, that between the PRISONS and the GRAVES of Princes there is but a slender space. So that to compass and imagine his deposition, is, to all intents and purposes the same as to devise his death; the State is alike injured by the removal of our Agent in foreign, and the Director of Domestic Concerns—the fountain of Justice, the combining Power of Government. And of this opinion is Lord Hales.

Of this opinion also was one of the Counsel upon the trial of Lord G. Gordon. Mr. Justice FORSTER remarked, and wisely, that when the old law was changed, which made the intention to kill, homicide; that which towards a King was treason, properly retained its rigour. The public tranquility required that it should be so.

The security of the Subject demanded that the law of Treason should not be left indeterminate. Accordingly, after a dark period, in which no man knew how he was to avoid such treasonable implications, as caprice or injustice might throw upon him, the Statute of EDWARD III. cleared up every difficulty, if the literal construction can give meaning.

The general safety requires that this law of Treason should be firmly executed, since every state must have a form of government, and the Power of Government must be lodged somewhere. The security, peace and tranquillity of the Kingdom depend upon the preservation of the Person, Crown and Dignity of the Monarch: and for this the plain and unextended letter of the Statute is thought to be a full provision.

You have no discretion to exercise upon the Statute.—Yon have merely to apply the letter of the law to the facts before you. If the Statute be faulty, it is all the security you can give. If a Jury of Republicans were to try the cause, they are bound by conscience and honour to come to the same conclusion, whatever their principles may be: they must have found PAINE guilty by the Statute I have mentioned.

The ATTORNEY GENERAL then went into a long elaborate discussion of cases by parity, and alluded to the great law authorities beforementioned, for their opinions upon constructive treasons—any charge of such a nature he utterly disclaimed—the identical case charged must be before you. He did not understand constructive Overt Act, every design to levy war, &c. against his Majesty, was constructive treason. Adhering to his enemies is also treason.

The Indictment charges the Prisoner and other persons therein named, with labouring to procure a Convention to be held, with an intent to subvert Parliament and depose the King.

They published a variety of books, disseminated with incredible zeal and activity, to persuade the people to send up Delegates to a Convention; they provided arms for the purpose of levying war, and overturning the Government. If the Convention had not taken effect, the Conspiracy to depose the King was not the less apparent—I think this will be clearly proved.

He put cases very strongly touching CHA. I. and WILLIAM III. Suppose a Convention of the People had only deposed Charles I. or levied war against William, without intending to place another person in the throne; it cannot be doubted the treason was equally manifest. Whatever Convention is assembled, it must act otherwise than by the law; and if so, there is an assumption of Sovereign Power, and two Sovereign Authorities cannot be tolerated in a

State. If the meeting be obedient to the King and the Parliament, it cannot effect its purposes. If it projects, it is the same as though it should accomplish them.

It is of no consequence neither, whether the first meeting was to be the Convention itself—the object was to form a representative sovereignty. If, like the first Constitution of France, they had attached a King to their new legislature, still it would be a conspiracy.—Consistently with his oath he could not so govern, and his life would be in danger from resistance. To suppose they could meet to remonstrate and then retire, was impossible. He then recapitulated the allegations of the Indictment; and averred that he had treated them precisely as the law has stated the crimes, to be substantiated by two competent witnesses, one for one Act, and the other for one adjudged to be similar.

If I am asked, by what means could they have effected so great a ruin—at what time they deliberated? I answer, their means were similar to those which, step by step, have produced the horrid anarchy of France. A blind admiration of the proceedings in that country, led them to desire the same in this happy island; not less by the love than the labour of Providence rounded in itself. "*Toto divisos orbe Britannos.*"

It was a project existing every where, and visible no where. It is not the extent of it, but the design.—The project was imported from France, its object to constitute Clubs over the whole Island—to enforce the right of equal Citizenship, and establish a Republic inconsistent with a King and a House of Lords.

A Republican right of eternal Reform and eternal Revolution. The model of this proceeding is the Jacobin Club of Paris, and the object a Convention supported by affiliated Societies. The People attached to the Old Government were to have been subdued; and it frequently happens, indeed, that a Minority who act will overpower a majority composed of men who are disinclined to politics and to turbulence. It is not difficult to imagine by what means this Convention would operate on the will of the People. For it is within all our recollections how a mob of 4 or 5000 men only in St. George's Fields could rob or plunder the whole body of peaceable Citizens. Such is the influence of a few combined over the many who are not combined.

To this open and forcible influence must be added, the quiet but not less sure modes of influencing the ignorant under pretence of enlightening them—and providing for that education of the lower orders which they found essential, viz. Principles never considered, and consequences never expected—but, above all, an opinion that the higher orders were necessarily oppressive. Tests were proposed, and blindly assented to--principles disseminated with incredible activity—in short, the idea was inculcated that the time was now come to reform, or rather supplant a Government that was radically vicious.

But as all men were not prepared to go the full lengths of this Convention, it was held out as essential to flatter old prejudices: the object sometimes conciliated favours by the terms a full and free Representation in Parliament—and at others the word Parliament was sunk, and the indefinite term People, left it uncertain what was meant to be done. However, let the Government to be erected be what it might, the Rights of Man—his original, inalienable, imprescriptible Rights were to be the basis; and a Power of Sovereignty was gradually thus attempted to be raised upon the physical strength of uninformed men.

Some remarkable particulars were then alluded to, of the distant affiliation humbly solicited in 1792, between the London Corresponding Society and that for Constitutional Information; doubts were first affected as to the designs of the latter, and then assistance was offered.—The time was come to reform or destroy, and the former pledged their lives never to go back,

To work upon the popular mind, publications were resorted to, which threatened to destroy the Liberty of the Press.—Myriads of works by unknown and some known authors invaded the dead of night, and made it impossible for the punishment of the law to keep pace with the offences. Men of talents availed themselves of this screen, whose powers ought to have added new attractions to the day. The law was inadequate to the correction of the evil.

I am little inclined at any time to mention opinions I may formerly have stated, but I have been heard to say, and I now re-state that opinion, that I have no intellect able to decide at the present moment, why the Pamphlet entitled an "Address to the Addressers," is not an Overt Act of high treason.

But we should here observe, that although the ostensible government to be established was a sort of Royal Democracy, like that which France possessed in the year 1791—yet it had been found impracticable in the month of August, 1792, and these people acted upon it in the months of October and November, 1792, a time, when they must have received the fullest conviction that the scheme could never be realized—but from the first they never were sincere in the wish for limited and reformed Monarchy, they intended a Republican Democracy, established upon the right of equal citizenship.

I am now to remark upon a letter signed by the Prisoner as Secretary to the London Corresponding Society, dated 7th of March, 1794, and addressed to the Society for Constitutional

Information—This letter stated a wish, that the two Societies might act in conjunction by constitutional and legal means, (not so because they thus term them) to obtain a full and free representation of the people by individual suffrage. For this purpose a Convention of the People is proposed by Delegates from the Societies of the Friends of the People, which it was said were already numerous, and it was shortly hoped would extend over the whole Island.—What does all this mean? Why they were to recall such wise and wholesome laws as iniquity had ravished from them. Six persons of the number in this Indictment were named as Delegates from the Society for Constitutional Information—Five Members were named as a Committee—The two Committees met and determined upon a joint Committee on the 27th of March, 1794.

The ATTORNEY GENERAL then took a view of the nature of this Society for Constitutional Information. As far as I can judge, this Society originated about March, 1791—it was indebted to Mr. TOOKE for its institutions, and to a Mr. VAUGHAN for its laws. The copy of motives for associating, most condescendingly addressed by Hardy to the Constitutional Society, bears the name of Hardy in the hand-writing of Mr. Tooke. What may be the principles of Mr. Tooke's Society, may be gathered from its correspondence. On the 23d of March, 1791, they passed a vote of thanks to Mr. Thomas Paine for his inimitable publication of the 2d part of the Rights of Man, combining practice with principle, by which the period was accelerated when Boroughmongers should be deprived of their property, the suffrages of the People. The proceedings of this Society were therefore to be regularly transmitted to all the affiliated Societies.

The Government they held up as but the creature of a Constitution, which must be previously formed. That here, there existed not the shadow of a Constitution, and that this work must precede the estabiishment of a Government.

He then alluded to the various correspondence from the Country Societies affiliated and deduced from the whole; the scheme of deposing the King, and forming a new Constitution, not by the Parliament but by the People. In consequence of such being the perceived intentions of the Society, numbers of persons withdrew from the Society about 23d March, 1792. So eager were the Sheffield Associators for affiliation that they sent up two letters, both dated on the same day.

The ATTORNEY GENERAL still proceeded to read and comment upon the various written documents which he had to produce in evidence against the prisoners, which will come more properly in full when the evidence is before the Jury, than in the opening speech of his Majesty's advocate.

In order to trace the continuation of the designs pursued by this confederacy for a long time under various forms and pretensions, he traced their proceedings from their very institutions, as well as he was acquainted with them, up to the time when the parties were apprehended. A letter from the Sheffield Society of the 14th of March, 1792, returned thanks to the Author of the *Rights of Man*, a person who would turn out of no small importance in the course of these proceedings, for the great information they derived from his works, and particularly from his second volume. To shew how much this Writer had done for the peace and happiness of this country, as well as his good wishes towards it, he read several extracts from his books, amongst others—that during the American war, Thomas Paine declares that if he could come over in safety, he was sure of being able to open the eyes of the people, and consequently have brought on some years sooner those topics which had of late been so much the object of disagreement and discussion.

The learned gentleman then went over many of the beaten subjects of Paine's works; such as his assertion that all hereditary Governments were tyranny, and considered the people as hereditary property.—That to be the meanest *mechanic* required some talents or ingenuity, but that a KING held a nominal office of a million a year. A miserable and hackneyed reproach, observed the council, which though calculated only for the ignorant, is one by which the most ignorant cannot be deceived. That it mattered not to the people whether this office was held by an infant, an ideot, or a madman; and in short, that none but a representative Government, unconnected with monarchy or aristocracy, could ever be free. In confirmation of this, Tom foretold that the Constitution of 1791 in *France* could have no long duration; but this prediction did not arise from any prescience which he had from legislative wisdom, but from his knowledge of the bias which then prevailed in that country against the continuance of Monarchy. The people of this country could contradict this assertion from their own experience, for never since the creation of the world did any nation experience such public and private liberty, as well as individual and general happiness, as under the Constitution of a mixed government, which had long been the admiration, and justly the envy of the universe.

In March 1792, there appeared some resolutions of the Constitutional Society, the original, in the hand-writing of Mr. TOOKE, fraternizing with their fellow-labourers of Sheffield, and adopting their opinions. The people of Sheffield, he said, were much more rational and just, though less cunning than Mr. BURKE, and the resolutions were ordered to be pub-

lished. I was extremely difficult to ascertain the number of persons in those Societies, as it suited the purposes of the leading Societies sometimes to diminish them in order to lull suspicion, and at other times to magnify them in hopes to inspire confidence. Thus they said that their brethren in Sheffield, in the interval between the month of March and that of November had encreased from 29 to 2000 persons, whereas they did not at any time amount to more than 600.

On the 24th of March, 1792, amongst a nest of papers from Norwich, appeared one also in the hand-writing of Mr. TOOKE, praying for a plan of general instruction through the country, and offering thanks both to Mr. Burke and Thomas Paine, the one for provoking, and the other for settling the discussion. There was another paper in commendation of the Convention of 1688, which cashiered King JAMES, and approving also the works of Paine and Barlow, from the latter of which he read extracts, to shew how adverse it was to the principles of our Constitution. It was subscribed by eight signatures, which were as the former ones, in the hand-writing of Mr. TOOKE.

He next read a declaration (in Tooke's handwriting) from a Society in Southwark, dated 19th April, 1792, which was literally the same as the preamble to the first French Constitution, and for which thanks were returned by the Constitutional Society.

He then proceeded to explain the original construction and organization of the United Corresponding Societies, which was directed to divide itself into small divisions of ten persons each, and each to send a deputy to constitute a Committee, and to use the same rule with regard to their additional members. Mr. Felix Vaughan was the Gentleman appointed to draw up a code of laws for their regulation and government; and he mentioned a test to all new Members—Whether they did not think a Parliamentary Reform necessary? And whether they did not think the best reforms would be Annual Parliaments and universal suffrage. To assist him in the formation of this code of laws, he had joined to him Margarot, Richter and Martin as a committee, which met at a house in Essex-street in the Strand. The Constitutional Society, ever anxious to extend the share of its action, endeavoured to form a correspondence with another Society calling itself the "Friends of the People." Of the prudence of this institution at the time it began, he would now say nothing; but in declining this proffered correspondence, they certainly acted well.—They saw however into the views of their new acquaintances, and declined co-operating with them. We wish, said they, to preserve all the forms of the Constitution, though we think it might be reformed with advantage; but your design is evidently to destroy it altogether. It was therefore manifest, their intentions were not well concealed, when those reformers, in the heat of their enthusiasm, could see through it so clearly. The Friends of the People also communicated their opinions upon this subject to the Society at Sheffield; but the latter, instead of agreeing with them, wrote a letter to the Constitutional Society, highly disapproving of the principles of their advisers. Hardy instituted a correspondence with the Manchester Society, in which he expressed his hopes and expectations, that the country would soon experience the advantages held out to them in Paine's Rights of Man; which letter was received with approbation; as was also another which he addressed to the Suffolk Society on the 18th of April. On the 11th of May, 1790, the Constitutional Society drew up an address to the Jacobin Society, full of the most flattering congratulations, and replete with democratical sentiments, which was soon afterwards published. PAINE's publication of the *Address to the Addressers*, as treasonable a libel on the British Constitution as ever appeared, was soon after sent into circulation by them; but, as if it was not sufficient to make this avowal of their principles, when they found that the publication was subjected to prosecutions, they had the audacity to raise subscriptions to ensure the Printers of Newspapers against any damages they may be liable to receive by them. To discourage these proceedings, the Government thought proper to issue a Proclamation; but instead of conforming to it, this Society sent out writings to vilify and discredit it. The first upon proof of their intention to prosecute their project of Reform without any application to Parliament, but by their own power, was discovered in a letter from HARDY to TOOKE, of the 8th of August. It was on the 20th of August that the late King of France was deposed by the Convention; and, with a view to declare themselves more openly, the Constitutional Society, on the 11th of October, transmitted a congratulatory Address to Paris, which was presented at the bar of the Convention by Barlow and Frost. They did not stop even at this, but actually canvassed the country, in hopes to obtain a number of similar Addresses. He then read the Address, which appeared at full length in the ORACLE of the time.

One expression we shall notice—"Let the Elector of Hanover join his forces to those of the German despots if he pleases; but let him also remember that Great Britain is not Hanover; if he forgets it, we will not." He also read translations of an address from the friends of freedom and equality at Leon, and two other places, to the Constitutional Society, thanking them for some shoes they subscribed for the use of the soldiers of liberty, containing sentiments enthusiastically republican, as well as severe invectives against the Court of St. James's, hoping for the day when the French and English would be brothers, and when the fraternal sol-

diers of France would shed their blood in the establishment of the liberties of England.

He then read the friendly address presented by Barlow and Frost a few days after the Convention had passed the decree which amounted to a declaration of war, giving orders to their Generals to assist the people of any country, the government of which was not conformable to their principles. He knew it would be urged, that this was done before the commencement of hostilities between France and Great Britain; but this was done in contemplation of such an event taking place, and gave the enemy reason to think that they must find numerous and formidable partizans and supporters in this country.

He then read a letter from Frost, then in Paris, to Mr. Tooke, full of exultation at the success of the Republicans, mentioning the establishment of a Club of which he was a Member, and his going to dine with Pethion. This induced Mr. Tooke to address a letter to Pethion, in which, after expressing much attachment to the French cause, he tells him that the Constitutional Society had already subscribed 1000l. for the French, which would shortly amount to many more thousands, and wishing him to appoint some French Merchant in London, whom he could confide in, for the purpose of receiving it.

He next read Pethion's answer, very thankfully mentioning a merchant to receive the money, and was extravagant in the praise of liberty and the desire of fraternizing with England as the addresses before spoken of. After this he took notice of a bill respecting these circumstances, which he was instructed to say was drawn up by Mr. Vaughan, and a chimney sweep of the name of Carter employed to scatter it in the night, but by some difference with his masters the job was given to another. The latter man was detected in the act of sticking them up, was convicted of the offence, and suffered in consequence an imprisonment of three months.

He read an Address, purporting to be from Manchester, which was like many others in the hand-writing of Mr. Tooke; and to shew the industry with which these libels on the Constitution were circulated, 100,000 copies of it were ordered to be published, but such was the tendency, that the Printers were afraid to undertake the task; and the law not being quite so severe in these cases on the other side of the Tweed, the papers were sent there to be printed. There was indeed no bounds to their activity, nor was there any shape which they would not assume to extend their connections. They were ready to accommodate themselves to any principles which any set of men professed, equally complaisant to Reforming Monarchy Men, or Anarchical Republicans. Parliamentary Reform was their stalking-horse; they were conciliating to those who wished for the plan of Mr. Pitt or the Duke of Richmond, or any other plan, their main object being to seduce principles of any kind to practices that were mischievous.

In March 1792, the plan of a Convention began first openly to be announced. Three modes of reform were proposed—an application to the King—an application to Parliament—or what was in truth the real object, a Convention of the People. Opinions were divided; but for the present they contented themselves with a petition to Parliament. This was so artfully drawn up, as to make it impossible that it could be received, and its rejection, it was thought, would exasperate their followers. He confessed, however, that nothing could have afflicted him more than if it had been better treated.

A general consultation was then held on the best measures to be adopted, and nothing seemed likely to be effectual but having recourse to a Convention. What this Convention was to be, he took very great pains to explain. In 1792, they had publicly declared that nothing was to be hoped for from the Parliament. Any other Convention must be a Convention of themselves; his Majesty, consistently with his oath, could not be King of England with any other Legislative Power than his Parliament; to establish, therefore, this Convention, they must supersede the Parliament and dethrone the King, and if that was not High Treason, he knew not what it was. When the Norwich Society was on this subject, they exclaimed, "Oh! that the time for a Convention were arrived, but things are not yet ripe for it."

He again adverted to their conduct at that period of French fraternity, at which all Europe was alarmed, when they admitted the Citizens St. Andre, Barrere, and Roland, honorary members of their Society, on account of the love for liberty, and their services in its cause. They also ordered these speeches, of which he read extracts, to be published, which they pronounced for the death of the French King, in which they ridiculed royal inviolability, maintaining the sovereignty of the Convention, and its power to try and execute Kings. How much this opinion was meant to be impressed upon us, may be seen in the proceedings of the Scotch Convention, acting upon the principles of Barrere, and if suffered to proceed and receive aid from its associates in England, might perhaps now be deliberating upon what the French in similar circumstances have been doing before them. Hardy, Skirving, and others had in the opening of the Convention recommended speedy and decisive measures, as should the war be disastrous, or an invasion take place, the people would be at liberty to act for themselves.

Proceeding through the same range of documents, he remarked, that on the 10th of May, 1793, in an answer to the Birmingham Society, they say the Neroes of the day will soon fall under the sword of the People. On the 28th of June, they appointed Tooke and York, who has since been a Delegate, to draw up an Address to the People of England, as it was said that the National Convention had on some former oc-

casion been frustrated in some of their projects by neglecting to have recourse to this measure. A letter from Hardy to Harford, dated the 21st of January, 1793, exhorts them to be prepared for a decisive occasion; and others of the like tendency advised them to be ready to shew, that they inherited the bravery of their ancestors.

On the 28th of October, 1793, the Constitutional Society came to a resolution to send Sinclair and York as Delegates to the Scotch Convention, for which situation Richter was an unsuccessful candidate. Hardy on the 17th of October, in a letter to his Correspondents at Norwich, writes, that the rejoicings for the capture of Valenciennes were not confined to that place, but that such rejoicings could not stop the progress of truth and reason. The effect would be, that the enemies of liberty would thus exhaust their strength, and be afterwards unequal to the struggle that awaited them.

The instructions of the Constitutional Society to their Delegates were not to petition, but insist upon Universal Suffrage, Annual Parliaments, and the right of the People to Reform. Those of the Corresponding Society to their delegates were still stronger—to maintain the right of the People to resist the Law.

It would not be contended with him, that as these societies knew what to do, they were not accountable for their conduct; and he had to state, that Margarot proposed in the Convention at Edinburgh, a plan of general union and co-operation between the Two Nations. The hour of action, which before was deemed distant, was now thought to have arrived. The general cry was—now is the time! The Convention used all the terms and forms of the Convention at Paris. They had their Central Committee, their Secret Committee, &c. &c. &c. What free and happy country could bear, that Government should look on supinely at such projects?

Citizen Sinclair induces them to declare, while all the members stood up with great solemnity, that they would not obey any law to prevent their meeting, unless compelled to it by force. That the admission of foreign troops into the kingdoms of Great Britain or Ireland, a Convention Bill, suspension of the Habeas Corpus Bill, &c. &c. should be the signal for their retiring to any place appointed by the Secret Committee. The sittings were to be declared permanent; and all this happened at a time when supplies of arms and ammunition were expected from the French.

Then followed a declaration of those principles which preceded the Revolution in France, founded on what were called the natural, imprescriptible and inalienable rights of man. Margarot writes to Hardy, that the accomplishment of their objects would require all the exertions of the Constitutional and Corresponding Societies; and speaking of the proceedings of the Convention, he omits some secret circumstances which were also omitted in their minutes.

After the Convention was dispersed, and some of its Members duly punished, though in his opinion they incurred by Law the punishment of High Treason, letters were frequently written to recommend that some decisive blow may be struck immediately. After the meritorious interference of the Magistrates of Edinburgh, their prospects were wonderfully changed, for some time before Magarot had written to Hardy, that every thing went well, except in point of *Rhino*.

He would speak to him in the language of a French General, who said his wants were three—money! money! money! He said, there required but two months more and all would be done in Scotland, at the same time advising Hardy to be careful how he wrote politics in his letters. A letter from Hardy to some other person he also recited, in which after mentioning that Margarot had been convicted, he consoled him by saying, that every thing went well beyond the British Channel; for the soldiers of liberty swept every thing before them like chaff before a whirlwind, while the enemy by continuing the war were cutting their own throats.

Speaking of the Resolutions of the Constitutional Society in January 1794, he animadverted on the Resolutions they passed, in consequence of the sentences pronounced by the Scotch Judges—

"That law ceases to command obedience whenever it becomes an instrument of oppression." That is to say, that when Government uses the power entrusted to it by the Legislature for the punishment of crimes, it is to be opposed by arms.

"That the intervention of the Tweed between the two countries did not hinder that to be injustice in Scotland which was injustice in England.

"That tyranny should be resisted by the means which it employs," meaning that justice should be opposed by rebellion.

These resolutions conclude by saying, that it approves of the proceedings of the Convention, which was assailed by force, and not answered by argument.

He wished to make that Court the vehicle of the refutation of such absurdities; for how were these to be argued with, who were always acting in the dark, and coming to resolutions which would not bear entering in their own minutes.

Some of these observations, he said, may appear extraneous, but he would mention nothing in which he could not prove the prisoner a party. He contended upon the whole, that as these societies called the Legislators of the country their enemies, plunderers, and oppressors, the Convention and the societies could mean only to be governed by their own laws, and not those of the kingdom.

He then read the address published from the Meeting held at the Globe Tavern by Citizen Martin. On these occasions, Committees were formed to draw up inflammatory toasts to catch proselytes in the moments of intoxication. Some of these were—Success to the Arms of Freedom against whomsoever directed—Thomas Paine—John Frost.

Upon this toast he expatiated at some length, observing that it was an aggravating continuation of their system to drink a man's health in a company who had been lately punished by the law, being an advocate of liberty and equality, and no Kings. It evidently appeared that these were the principles of the Society, and such as they were desirous to support.

To describe this meeting in their own manner, he referred to a letter from their President Martin, addressed to Margarot, in which he tells his dear friend, that though the meeting was said to be about 500 in the newspapers, it was at least 1,500. That he was once afraid of being short of the ready himself, but that these apprehensions were dissipated.

The 27th was the day proposed for the meeting of the Convention, which his Majesty, in his love for every good Citizen, was bound to prevent. His duty and his oath also laid upon him an equal obligation. The Chalk-farm was not the only place in which meetings were to be held for appointing the delegates. Hardy was very assiduous in sending circular letters to that effect all over the kingdom. The critical moment was arrived; strong invitations were given; the Hessians had arrived, and these Barbarians, as they were called, as well as the Act of Parliament, were to have been anticipated, till the apprehension of the prisoners frustrated their projects.

He then mentioned a letter of Citizen Thelwall to a person in America, complaining of his being retrograde to his former principles. He acknowledges his horror at the cruelties committed in France, and considers that in Brissot's party the best patriots were destroyed. He has some reasons for not thinking so badly as he formerly did of the character of Marat. No man, he says, has suffered more persecutions than he has lately done in the cause of liberty, being both the hatred and *terror* of the ministerialists and moderes. That for some months he had given lectures to enlighten the people. That he was a true Republican and a true *Sans Culottes*. But he feared that in America they had not yet a taste for the real *Sans Culottes* patriotism.—That the subscriptions were filling very fast, and those who were shy before now put their hands to the bottoms of their pockets. That yesterday the King went to meet his Parliament which sat till five o'clock in the morning, and that some people had the audacity to chalk—NO WAR! upon the doors of both houses, and the mob hissed; and an old woman was so wicked as to fling a patten at her MOST GRACIOUS SOVEREIGN. The King for ever! for if—for if—Gerald says. The rich rogues are now contented to toast the lads with leather aprons.

Having finished what he had to observe upon the written evidence, the Attorney General observed, that the parole evidence he had to produce to them, would corroborate the former testimony in every particular. He should prove their cry to arms! when the Hessians were in the Isle of Wight; that conspiracies in England and in Scotland were conducted on the same principles. "After this," said he, "you will not be surprised to hear, that in the pockets of some of the prisoners, and many others, were found papers—On June 4, he performed *Guillotine*, or GEORGE's head in a basket."

That Thelwall, in his return from Chalk-Farm, called for a tankard of porter in a public-house, and cutting off the head of it said—"Thus would I serve all Kings."

That pikes and muskets should be found upon them.

That York going to Belgium should say, he went to procure arms, and should be afterwards giving directions for frames and forms in Sheffield.

That the people of Sheffield should correspond with the prisoner Hardy on the subject, and that he should consult upon it with other confederates.

That plates of the Military exercises should be made for the military societies, in Lambeth, and Turn-stile, Holborn.

That a man of the name of WILLIAMS should be employed to make pikes, and not allowed the contract, unless he became a Member of the Society.

That Tooke should propose to have a black book, in which to enregister the names of the friends of Liberty. And,

That they should have deliberated on the means of seizing the most august personages of the State.

Those will all be proved by witnesses from amongst themselves—by persons whom Government have all along employed to watch their motions; and unfortunate and criminal would it be in Government if knowing that there were persons capable of harbouring such designs, they had omitted this precaution. Your own judgment will best inform you on whom you must place the greatest degree of credibility. These witnesses I mentioned to you may be liable to some suspicion; but if other evidence corroborating fully the testimony they give so as to afford you no room to doubt the guilt of the prisoners, you can do no greater service to the public, yourselves, and your posterity, than by finding a verdict against them. If, on the other hand, you are satisfied in their innocence, I heartily wish in the words of the Law—God send them a good deliverance.

After the Attorney-General had concluded his speech, which took him up eight hours and fifty minutes in the delivery, an intermission of rest took place for about twenty minutes, during which period the prisoner was accommodated with some refreshment, from the humane attention of Mr. Sheriff Eamer.

At half past seven o'clock the Court was resumed, and the Evidence commenced: Thomas M'Lean, John Gurnel, and Edward Harpur,

King's Messengers, deposed as to the facts of apprehending the prisoner, and the seizure of his papers, which were identified.

Mr. Law, for the Crown, proceeded to examine evidence.

Thomas Maclean, a King's Messenger.

Q. Did you at any time seize any papers from the prisoner?

A. Yes; on the 12th of May last I seized several books and papers at the house of Mr. Daniel Adams, in Took's-court.

Look at the letter.

A. It is one of the papers which I seized.

Alexander Grant.—Q. Do you know the prisoner?

A. Yes.

Q. Have you ever seen him write?

A. I have.

Q. Look at the letter. Is it the Prisoner's hand-writing?

A. I cannot swear to it.

Q. Do you believe it is?

A. I again say, I cannot swear to it.

Q. I only ask, do you believe it to be so?

A. I think it is.

Mr. Shelton read the letter, March 22, 1794, signed T. Hardy, Secretary, directed to Mr. Daniel Adams, Secretary to the Constitutional Society. It conveys the strong resolutions entered into by the Corresponding Society, and has this passage in the letter, "*The moment is now arrived* whether we shall abandon our cause, or pursue our purpose of a radical Reform, by immediately assembling a Convention?"

John Gurnell, a King's Messenger, proved, that he went to the house of the Prisoner on the 12th of May, 1794, in consequence of a Warrant which he received at the Secretary of State's Office, and seized several papers which he found there in a back room. The Witness marked all the papers.——Papers read.

"A Meeting of the Delegates from the two Societies being held, they came to the following Resolutions.

"Resolved,

"First, That it appears to this Committee very desirable, that a Convention or General Meeting of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair Representation of the People.

"Second, That it be recommended to the Society for Constitutional Information, and London Corresponding Society, to institute a regular and pressing correspondence with all those parts of the Country where such measures may be likely to be promoted, not only to instigate the Societies already formed, but to endeavour also to produce such other Associations as may further the general object.

"Third, That it appears to this Committee, that the general object would be promoted if a Standing Committee of Co-operation between the two Societies were established, for the purpose of holding personal communication with such Members of similar Societies in other parts of the country, as may occasionally be in London, and who may be authorized by their respective Societies to act with such Committee."

"The above Resolutions being reported to the Society for Constitutional Information, it was by them resolved, that the same should be entered on their books as part of the proceedings of the Society; and the Committee of Correspondence was appointed to co-operate with the London Corresponding Society, in conformity with the third Resolution."

It further appears, from correspondence of a recent date between different Societies in the country, and the Secretary of the Corresponding Society, that some time in the course of a few weeks past, circular letters had actually been sent to different parts of the kingdom, on the subject of assembling a Convention, and a printed paper to this effect has been found in the custody of the Secretary to the Society; which is here inserted, and which your Committee have good reason to believe is a copy of the circular letter referred to.

[The following is a Copy of the said printed Paper.]

"CITIZENS!

"The critical moment is arrived, and Britons must either assert with zeal and firmness their claims to Liberty, or yield without resistance to the chains that ministerial usurpation is forging for them. Will you co-operate with us in the only peaceable measure that now presents itself with any prospect of success? We need not intimate to you, that, notwithstanding the unparalleled audacity of a corrupt and overbearing faction, which at present tramples on the Rights and Liberties of the People, our Meetings cannot in England be interrupted without the previous adoption of a Convention Bill; a measure it is our duty to anticipate, that the ties of union may be more firmly drawn, and the sentiments and views of the different Societies throughout the Nation be compared, while it is yet in our power, so as to guide and direct the future operations of the Friends of Freedom. Rouse then to one exertion more; and let us shew our consciousness of this important truth—"If we are beaten down with threats, prosecutions, and illegal sentences, we are unworthy—we are incapable of Liberty." We must, however, be expeditious. Hessians and Austrians are already among us; and, if we tamely submit, a cloud of these armed Barbarians may shortly be poured in upon us. Let us form, then, another British Convention. We have a central situation in our view, which we believe would be most convenient for the whole Island, but which we forbear to mention,

(entreating your confidence in this particular) till we have the answer of the Societies with which we are in correspondence. Let us have your answer, then, by the 20th, at farthest, earlier if possible, whether you approve of the measure, and how many Delegates you can send, with the number also, if possible, of your Societies. "We remain yours,

"In Civic Affection.

"The LONDON CORRESPONDING SOCIETY.

"T. HARDY, Secretary.

"For the management of this business we have appointed a Secret Committee; you will judge how far it is necessary for you to do the same."

Mr. Grant again called.—Q. Do you believe that paper to be the Prisoner's writing?

A. I cannot swear so, but I believe it.—That will do.

The paper was then put in and read. It ran thus:

"CITIZEN, March 27, 1794.

"I am directed by the London Corresponding Society to transmit the following resolutions to the Society for Constitutional Information, and to request the sentiments of that Society respecting the important measures which the present juncture of affairs seem to require.

The London Corresponding Society conceives that the moment is arrived, when a full and explicit declaration is necessary from all the friends of Freedom—whether the late illegal and unheard-of prosecutions and sentences shall determine us to abandon our cause, or shall excite us to pursue a radical Reform, with an ardour proportioned to the magnitude of the object, and with a zeal as distinguished on our parts, as the treachery of others in the same glorious cause, is notorious. The Society for Constitutional Information is therefore required to determine whether or no they will be ready, when called upon, to act in conjunction with this and other Societies, to obtain a fair Representation of the PEOPLE—Whether they concur with us in seeing the necessity of a speedy Convention, for the purpose of obtaining in a CONSTITUTIONAL and LEGAL method, a redress of those grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the People of Great Britain.

The London Corresponding Society cannot but remind their friends, that the present crisis demands all the prudence, unanimity, and vigour, that ever may or can be exerted by MEN and Britons; nor do they doubt but that manly firmness and consistency will finally, and they believe, shortly terminate in the full accomplishment of all their wishes.

I am, Fellow Citizen,

(In my humble measure)

A Friend to the Rights of Man,

(Signed) ————, Secretary.

Resolved unanimously, 1st, That dear as JUSTICE and LIBERTY are to Britons, yet the value of them is comparatively small without a dependance on their permanancy; and there can be no security for the continuance of any right but in EQUAL LAWS.

2d. That equal laws can never be expected but by a full and fair representation of the People; to obtain which, in the way pointed out by the Constitution, has been, and is, the sole object of this Society. For this we are ready to hazard every thing, and never, but with our lives, will we relinquish an object which involves the happiness or even the political existence of ourselves and posterity.

3d. That it is the decided opinion of this Society, that to secure ourselves from future illegal and scandalous prosecutions, and to prevent a repetition of wicked and unjust sentences, and to recall those wise and wholesome laws that have been wrested from us, and of which scarcely a vestige remains, there ought to be immediately a CONVENTION of the PEOPLE, by Delegates deputed for that purpose from the different Societies of the Friends of Freedom assembled in various parts of this nation. And we pledge ourselves to the Public to pursue every legal method speedily to accomplish so desirable a purpose.

P. S. I have to inform you that a General Meeting of the Society will be holden the 14th of April, the place to be announced by public advertisement.

Resolved, That it is fit and proper, and the duty of this Society, to send an answer to the London Corresponding Society.

Ordered, That the Secretary acquaint the London Corresponding Society, that we have received their communication, and heartily concur with them in the objects they have in view: and that, for the purpose of a more speedy and effectual co-operation, we invite them to send to this Society next Friday evening a delegation of some of their Members."

Mr. Maclean produced another paper, dated April 10, 1794, a letter to Citizen Adams, approving of the Resolution to assemble a Convention, and appointing Citizens Thelwall, Lovett, and two others, to meet the Convention in behalf of the Society.

Another paper was next sworn to, with a plan of a Reform, of Universal Suffrage, and Annual Election. This paper states that a great majority of the people are not represented. The majority of the Commons are chosen by about 12,000 voters. Birmingham, Sheffield, Leeds, Halifax, and other large towns, have no Members. It also contains the foundation of the Society, which was called the Corresponding Society, with the forms of admission, &c. and that they were to pay one penny per week.

William Woodfall was called, but did not not answer.

Mr. Erskine observed, that it was impossible to take all the contents of the papers down as the clerk read them, and therefore proposed that there might be copies, that they might have access to them. This proposition was acceded to.

Edward Lazun, an Extra Messenger.—On the 12th of May last, he seized some papers; the first shewn to him was one of them.

Grant swore that he believed it to be Hardy's writing. It was dated August 20, 1792, directed to Mr. Buchanan, at Edinburgh, and contains the Resolutions of the Corresponding Society to effect a Parliamentary Reform. The Prisoner, in that letter, endeavours to promote a union between the Societies—"A threefold cord is not easily broken."

A second paper, dated September 4, 1792, is a letter to the Secretary of the Manchester Society, containing thanks for that Society's letter, and inclosing twelve copies of an Address to the People of England. The letter and address recommended a Reform in very strong terms.

August 13, 1792. A letter to Richard Cartwright, Chairman to the Constitutional Society, containing a copy of the Address to the People, to persuade them to a Parliamentary Reform. This letter is signed Maurice Margarot, Chairman, and Thomas Hardy, Secretary.

The Address was now read, and the Resolutions, all of them setting forth the inequality and corruption of the present state of Representation; the Address contains a minute description of the Boroughs, which, with very few Electors, viz. some *three*, *four*, *five*, and *six* Electors, return *two* Members each, whilst large and populous towns send no Members; states a long list of evils and grievances which the nation was obliged to suffer on that account. The opinions of Mr. Pitt, the Duke of Richmond, &c. &c. are quoted—"That the nation would never regain its ancient Constitutional Rights, until a fair and equal Representation in Parliament was effected." Also a very long catalogue of evils and enormities, which are stated to flow like a torrent upon the people through that corrupted source. It is dated London, August 26, 1792. This piece took half an hour in the reading.

A fourth paper was produced, which Mr. Grant did not believe to be the writing of the Prisoner; but it being found in the Prisoner's own possession, with the others which were read, the Court admitted it in evidence. This was a letter containing two copies of Paine's Rights of Man, together with copies of the foregoing Addresses, directed to Stockton.

The next paper was a Letter of Thanks from that town, directed to the Prisoner, in which they say that they need all their assistance.—Mr. LAUZUN found it in the Prisoner's possession.

The next head of evidence was an Address to the French Nation, written by Mr. Horn Tooke.

Mr. William Woodfall, examined by Mr. Wood, proved the hand-writing; and Maclean proved that he found it in Mr. Hardy's custody. It was a letter to Mr. Adams, signed by Mr. Hardy, dated October 11, 1792, and inclosed in it an Address to the French National Assembly, which was in the hand-writing of Mr. Tooke. The answer of Mr. Adams followed, acknowledging the receipt of the Address. This was proved to be found in the Prisoner's custody by the Messenger, Lauzun.

The next document was a letter to Mr. Thomas Walker, Chairman of the Manchester Constitutional Society, and inclosing another copy of the intended Address to the French National Assembly.

Another letter, dated Oct. 11, 1792, acknowledging the receipt of a letter from Norwich, and inclosing in return another copy of the Address to the French.

Oct. 18, 1792, a similar letter to the Society at Derby.—Oct. 18, 1792, a similar letter, with an Address.—A letter, dated Nov. 11, 1792, from Mr. Baxter, Chairman to the Norwich Society, to the Prisoner, and containing a desire that three of their members might be incorporated with the Corresponding Society, in order to further the views of the Society; and desiring to know whether it was their design "*to root up Aristocracy* by the roots, and "place *Democracy* in its room? or whether to "follow the plan of the Duke of Richmond?"

Nov. 26, 1792, contains an answer from the Prisoner to Mr. Baxter; but in which he cautiously avoided answering that question, but strongly recommends a reform, &c. upon legal and constitutional principles; and states to the Society the great acquisition of strength which the Society was daily acquiring.

An Address was then read from a Society in the country to the London Corresponding Society, in which they thanked the latter for their kind advice in recommending it to them to preserve order and an obedience to the laws.—Another paper was an agreement, in conjunction with other Societies, to present an Address to the National Convention of France. It said, that it was congenial to the heart of a Briton to wish success to the cause of Freedom, and expressed great abhorrence to the Duke of Brunswick's Manifesto, which, it is said, aimed not only at the liberties of France, but of the whole world. Two more letters were read; one written in February, 1793, from the *Friends of the People*, in answer to one from the Corresponding Society; and the other an answer to that again, supposed to be written by Mr. Margarott.

Mr. Grant, the printer, was again called as a witness, to prove that a certain paper, in the form of a posting bill, was printed by him. He said, he had been made a Member of the London Corresponding Society in the beginning of the year 1792, the first division of which then met in Exeter-street, at a public house, the master of which was a Member. He then saw Mr. Margarott, Mr. Hardy, Mr. Richter, &c. He had attended the division but seldom. In November of the same year he was applied to by Mr. Richter to print the posting bill in question, which he accordingly did, to the number of 500 copies, which were given to one Carter, a bill-sticker, who he heard was apprehended for sticking them up. This paper was an Address from the London Corresponding Society to all the other Societies in Great Britain, associated for the purpose of obtaining a Reform. It denied the charges of Republicanism and Levelling, applied to it by Mr. Reeve's association: it denied that they had any other object in view than that of obtaining a Reform in Parliament. They wanted to destroy no property but what had been raised on the ruins of their liberties.

Several other papers were read, consisting of correspondence between the above Society and several others in Sheffield, Norwich, Edinburgh, &c. some relative to petitioning Parliament for a Reform, and others complaining of grievances.

About half past eleven o'clock, Mr. Erskine, as Counsel for Mr. Hardy, expressed a wish to know whether it was the intention of the Court to continue sitting or to adjourn. He did not conceive it possible for human nature to be able to hold out without rest or intermission until that immense volume of evidence should be gone through. For his own part, he had no objection to sit there any length of time; but he considered the situation of their Lordships and the Jury, whose duty was more arduous and important than his.

The Chief Justice said, there was a positive rule in law that no adjournment could take place during a trial, particularly a criminal one; and from that rule he would not depart, unless some extreme necessity occurred which must justify such a deviation; that necessity, he thought, did then exist, inasmuch as it would be impossible to keep the attention of the Jury alive, should the trial be continued without intermission. For that reason, he was inclined to enter into the consideration of the question, how far the adjournment, in the present instance, might be justified. An adjournment once took place in the case of a misdemeanor, and the Jury separated; but that was different from the present, for which there was no precedent, except one mentioned in the Year-Book (if it could be called a precedent), being a case in which the Jury were separated, and the Court obliged to adjourn by means of a terrible storm. The question, however, never was decided. Notwithstanding, if Counsel then made an application on the ground of its being necessary to the Prisoner, and if the Prosecutor consented, he should have no objection to adjourn, provided the Jury could be kept together. His Lordship did not then see how that could be done. Before his coming into Court, he had made some inquiry on that subject, foreseeing the necessity there would be to deviate from the strict rules of law. The Sheriffs said, that the Jury could either be accommodated in the house where they then sat, or in their own houses, after having given their words of honour not to have any communication with any person. Whatever should be done in the present instance, he, with all his heart, would take his share of the risk.

Mr. Erskine made some observations on the delicate situation in which he stood. He thought it would be perfectly safe to permit the Gentlemen of the Jury to go to their own houses; for he entertained not the least doubt but that Gentlemen of their character would strictly adhere to their word of honour; and the Prisoner, he was sure, would assent to such a measure.

The Chief Justice observed, that it was not the consent, but the request of the Prisoner, that should be made in such a case.

The Chief Baron thought an adjournment must necessarily take place, if justice could not be done without such a deviation; some regard should be had to the Prisoner. The Court had heard the charge of the Attorney General when it was fresh to receive it. His defence ought to be heard in a similar situation. Yet this deviation should be made as little as possible; and he thought it better that the Gentlemen of the Jury should not go to their own houses.

One of the Jury stood up, and said, he was an invalid, and would rather go home.

The Chief Justice told the Jury they could be accommodated where they were. They said they wished to go home.

Mr. Baron Hotham was against their going to their own houses.

Mr. Justice Buller said there was an Alderman then on the Bench, who once knew an instance of a Jury going home.

This Alderman, whose name we could not learn, declared that to be the case.

Mr. Justice Buller asked the Sheriff whether there were any accommodations there for the Jury? Who replied, that beds and mattrasses had been provided, as well as every other possible accommodation.

The Chief Justice then said, that as it was visible to all mankind that the strict rule of law

could not be adhered to, the Court had only to desire the Sheriffs to give what accommodations they could, and to request the Jury to submit to those difficulties which were unavoidable; and as they might require something more than ordinary refreshments, their attendance would not be required until eight o'clock next morning.

Mr. Erskine informed the Court, that he had not been able to procure from the Privy Council copies of the several papers which were to be read in evidence against Mr. Hardy. He expected to know what was contained in that huge mass: and it was impossible for that to take place during the reading of them in Court. He should, therefore, when he came to the Prisoner's defence, beg a little time of the Court. He mentioned the circumstance then, that the Court might not be thought to have a sudden application made to it. He had not, however, any the remotest intention of trespassing on the time of the Court.

The Chief Justice said, that every opportunity should be allowed to the Prisoner to make the best defence. Some of the papers in question were printed. Such as were necessary for his defence, time should be given for the perusal of; but those which had been seized with him, it was not necessary to produce until given in evidence.

The Court then, at twelve o'clock, adjourned till seven next morning.

End of the First and Second Day.----To be continued Daily.

TRIALS FOR HIGH TREASON.

TRIAL OF THOMAS HARDY FOR HIGH TREASON.

OLD BAILEY, WEDNESDAY, OCTOBER, 29.

THIRD DAY.

THIS Morning at Eight o'Clock the Court met, pursuant to the adjournment of last Night, which was opened in the usual form---

PRESENT,

Lord Chief Justice EYRE, President,

Chief Baron MACDONALD | Judge BULLER
Baron HOTHAM | Judge GROSE.

The LORD MAYOR, &c.

On the part of the prosecution, they proceeded to give in evidence, and read the various other documents which are already before the public in the reports of the Secret Committee.

William Scot, Under Sheriff of Edinburgh, was called to ascertain the papers found in possession of Messrs. Gerald and Margarot, when they were apprehended at Edinburgh.

Mr. ERSKINE. Were you present, Sir, when the papers were taken from them?

Scot. I was not: but they were brought to me, and opened before me, as their property, in the presence of those Gentlemen, when they were apprehended under my warrant.

One of these letters is dated October 24, 1793, and contains the Instructions of the General Meeting of the Committees of the London Corresponding Society, to their Delegates, as follows:

GENERAL MEETING, Oct. 24, 1793.

Articles of Instruction to ———, Delegate from the LONDON CORRESPONDING SOCIETY, to the ensuing CONVENTION in EDINBURGH, for the purpose of obtaining a thorough Parliamentary Reform.

1. He shall on no account whatever depart from the original object and principles of this Society, namely, the obtaining Annual Parliaments and Universal Suffrage, by rational and lawful means.

2. He is directed to support the opinion, that Representatives in Parliament ought to be paid by their Constituents.

3. That the Election of Sheriffs ought to be restored to the People.

4. That Juries ought to be chosen by lot.

5. That active means ought to be used to render every man acquainted with the Duty and Rights of a Juryman.

6. That the Liberty of the Press must at all events be supported, and that the publication of Political Truths can never be Criminal.

7. That it is the duty of the People to resist any Act of Parliament repugnant to the original principles of the Constitution, as well as every attempt to prohibit Associations for the purpose of Reform.

8. That this Society, considering all Party Names and Distinctions as hostile to the General Welfare, do absolutely restrict their Delegate from assuming or accepting any thing of that nature.

9. That this Society further require, that the Delegate shall be punctual and frequent in his Correspondence with this Society.

MAURICE MARGAROT, Delegate,
JOSEPH GERALD, Delegate.

The next letter produced and sworn to was the following, addressed by the Prisoner to Messrs. MARGAROT and GERALD, Delegates at Edinburgh from London:

London, Nov. 8, 1793.

" Fellow Citizens,

" I duly received your favour of the 4th instant, and laid it before the Committee of Delegates last night, who were anxiously waiting for intelligence from Edinburgh, and we were well satisfied with the agreeable account of the great number and zeal of the Friends of Freedom in Scotland.—That part of your letter which mentioned your visiting different towns in Scotland, for the purpose of promoting the cause—they were pleased with the idea, but they thought that it could not be put in practice, on account of the necessary supplies, which come in but very slowly—it is to be mentioned in the different divisions.—We have elected ——— (by ballot) Chairman of the Committee for the remainder of the quarter.—We have also appointed a Committee of Constitution, separate from the Committee of Delegates.—One Member is chose from each division to meet on this night, for the first time, and to be totally unconnected with the Committee of Delegates.——We still increase in number—and the Address to the King to put an end to the War, is ordered to be advertised to receive signatures—in the Courier, Chronicle, Ayre's Sunday Gazette, afterwards by handbills, &c. We have opened a correspondence with a new Society at ———. I have to inform you of the wish of the Society, that you would favour

them with the number of Delegates in the Convention, and the number from England also, and how the Civil and Military Power relishes your meeting. And that you would send such a report from the Convention as might appear in the Newspapers in London. Send me an Edinburgh Gazetteer, when there is any thing in it of importance. I would have sent you a Courier, but they informed me that they sent several to the coffee-houses and taverns in Edinburgh, for that reason I thought it unnecessary. I hope to have more time to write to you more fully next time. As ——— says the post is just going off, no more at present, from

T. HARDY, Secretary.

Addressed,
Mr. Margarot, and } Delegates from
Mr. Gerald, } London.

Alexander Grant proved the signature in the same manner as he did the others.

The next letter produced and read was the following, being No. XII. of the Appendix.

Copy of a Letter from Messrs. Gerald and Margarot to the Secretary of the London Corresponding Society.

Edinburgh, Tuesday, Dec. 2, 1793.

CITIZEN HARDY,

We received last night a letter signed by you, but written by another person, acquainting us with the determination of the Committee, "That at the adjournment of the Convention we should return immediately to London."—This determination we will undoubtedly conform unto, unless it be (as we hope and trust it will) contradicted in your next; for if the Committee abides by it, we, who by being on the spot, and thoroughly acquainted with the state of the country, can judge with certainty thereon, do assure you that our immediate return to London will be attended with very bad consequences, for at present all the Country Societies look up to us to come among them to enliven, to encourage them, to convince them by our presence, that we exist, that we have been sent from England for the purpose of Union and Reform, and that the time is near at hand when such Reform must take place.

Nothing, dear Friends, must force us from Scotland, at present, but the absolute impossibility of bearing the expences attending our mission, and those expences may be somewhat lessened by recalling one of us, and leaving the other; our Norwich Friends may likewise bear a part of them, so that unless the Funds of the Society are very low indeed, no excuse for recall can be valid, unless founded on fear; and that we must remind you is our concern, not yours. While therefore, the idea of uniting our Society with the whole Kingdom of Scotland affords you a pleasing prospect, let us do every thing in our power to cement that Union; and this can only be done by a longer residence in the Country, and by visiting the several Societies that have sent Delegates to Edinburgh, and would think themselves ill used if we did not take their Town in our way. Consider of it therefore, we beseech you, and let us have your answer immediately.

The Convention proceed with great spirit. We sit daily; and last week we came to a resolution which we fancy will give pleasure to every Friend to Reform; as the minutes are to be printed, we will, at present, only give you the heads of it, viz.

That should any attempt be made by Government for the suspension of the Habeas Corpus Bill, the introduction of a Convention Bill, or the landing of foreign troops in Great Britain or Ireland, the delegates are immediately to assemble in Convention at a certain place, the appointment of which is left with a Secret Committee.—That when seven Delegates shall be thus assembled, they shall declare themselves permanent; and when their number amounts to twenty-one, they shall proceed to business—thus you see we are providing against what may happen.

Citizen Gerald's health is so far recovered as not to prevent him fully attending his duty. We cannot say as much of Citizen Sinclair, from the Society for Constitutional Information; he has been confined to his bed ever since Saturday with a violent fever and sore throat; he is somewhat better this morning. He is a valuable young man; and, should he die, his loss would be severely felt; not indeed by his constituents, who have basely abandoned him, but by all the friends of freedom. He is a member of our Society, and we recommend him to your notice.

You will before this have received our last of the 26th instant, acknowledging the receipt of your letter of the 23d, together with a remittance of 12l. 12s. Our time is so constantly employed, that we find it absolutely impossible, as yet, to write to you more than once a week, and even that on no fixed day; eighteen hours out of the four and twenty are devoted to public business, and you may rest assured they are not mis-spent. We are happy to hear that you go on as well in the South as we do in the North—Letters convey but very imperfectly, and with no great degree of safety, what we might wish to inform each other of.—You have done us a material injury by neglecting to send us a parcel of our Publications, and a number of copies of the Jurymens' Rights; pray do not delay them any longer, and among them some of the letters to Dundas. We sent you an Edinburgh Gazetteer last week; we will send you another

to-morrow; you will therein see part of what has passed in the Convention.

We remain
Most sincerely,
Your fellow-labourers in the cause of Reform,
JOSEPH GERALD, Delegate.
M. MARGAROT, Delegate.

M. M. would be glad to receive a line from T. H. about private business of his own.

Mr. *Bower* addressed the Court, and said that he was about to produce the minutes of the Scotch Convention, for the purpose of having them read in evidence.

Mr. ERSKINE. I must object to this, my Lord, though I am no further anxious about the suppression of this evidence than to preserve the established rules of law. My client has nothing to apprehend from it. The London Corresponding Society appears to have been established for what purpose the Jury will in due course determine. Another Society, now the British Convention in Scotland, is brought forward, but for whatever purpose that was established, it cannot implicate the Defendant at the bar. For though it appears that there were two Gentlemen deputed there from a Society to which he belongs, yet it also appears that they were bound to conduct themselves, by the articles of delegation, in pursuance of fixed objects no way criminal. If, therefore, the Society to which they were deputed misconducted itself in any degree, and though it should appear that they partook in the misconduct, yet the Defendant can never be involved in the offence, how high and malignant soever it may be.

The Defendant is charged with atrocious designs of meditating the King's death by means of a conspiracy, of which malignant crime, if I could believe him guilty, I should defend him with feelings and anxiety very different from what I do. With this charge the evidence offered has, I conceive, nothing to do, as the written instructions to the delegates negative it directly. Unless, therefore, the Defendant is privy to the proceedings in Scotland by other means than the deputation restricted to legal objects, it cannot affect him.

The LORD PRESIDENT. I take for granted that they mean to show such privity.

Mr. *Bower*. Yes, my Lord, we mean to show in many instances the prisoner's subsequent approbation of the proceedings of the British Convention.

The LORD PRESIDENT. That declaration is enough to let in the evidence; the application of it will depend on what will further appear. If the Deputies exceeded the limits of the mission, it will be matter for observation to the Jury.

The SOLICITOR GENERAL. The Deputies must be regarded I apprehend as agents to the prisoner, and if he did not disclaim their conduct when he became acquainted with it, he of course becomes a party.

Mr. *Templar*, Clerk of the Rules in the King's Bench, now proceeded to read the minutes of the British Convention; after Mr. Scot had proved the seizure of them.

Mr. GIBBS. I beg your Lordships pardon, but we have not yet found the place in our copy to follow the reading.

The LORD PRESIDENT. You need not apologize; we shall think no delay misplaced by which you become enabled to make the most complete defence for the prisoner that his case will admit.

The Counsel for the prisoner having found the place, the whole proceedings of the British Convention were read through.

James Davison was called, and examined by Mr. GARROW. He said that he was a Printer, and a Member of the London Corresponding Society. That on the 18th of February, 1794, Mr. Thelwall called at his house, and left directions for printing some Addresses of the London Corresponding Society.

Mr. ERSKINE. I object to what passed between Mr. Thelwall and the witness, and the reading of the addresses, as irrelevant to the Defendant, whatever force it may have against Thelwall himself, when he comes on his trial.

Mr. GARROW. We have connected the Prisoner with a traitorous conspiracy, of which Thelwall is party. The general conspiracy being established, separate evidence of any particular part attaches on the whole.

Mr. ERSKINE. Persons uniting for any object and acting together—in that case all separate parts, conducive to the end, involve each, though he may not be present. But that is not the case: it appears only that Thelwall gave a paper to be printed; unless, therefore, you show that the defendant either paid for it or approved of the contents, you cannot affect him. There is no connection whatever, and in criminal cases such as this, the strictest rules of evidence should be observed to their full extent.

The LORD PRESIDENT. I conceive that the argument is rather premature, as the Court are not acquainted with what the paper contains. Before evidence is admitted, the Court must see that they do apply; there must therefore be some previous statement of its nature.

Mr. GARROW. I could only answer the objection that was made. We produce this evidence as a part of the general system of Treason, in which the Prisoner is involved.

Mr. GIBBS. The argument seems to infer that because Thelwall is involved in an offence, the Defendant is also.

Mr. GARROW. No: that would be reasoning abstractedly on the application of evidence; an exertion, at this period of the trial, misplaced and improper. We wish to produce in evidence a part of the general plan of conspiracy, which, in its direct effect, is a strong incite-

ment to the intended insurrection, which is charged on the Prisoner as the means of accomplishing his design.

The LORD PRESIDENT. This paper purports to be a set of Resolutions come to by the London Corresponding Society, offered to a Printer by a Member, at the same time, that the Prisoner is one also. Both are therefore alike involved in the acts of the Society, which the Resolutions and printing unquestionably are. They are parts of the general conspiracy, which, if established, it is further to be seen whether it can be brought home to the Prisoner. The evidence must therefore be admitted.

Mr. *Davison*. Thelwall ordered me to print off 2000 copies, and then to stop; 200 of them I soon completed, and carried to the Globe Tavern, a place of meeting for the London Corresponding Society. I met the Prisoner on the stair-case. I had been previous to that time often at the meeting of the Society, and knew him as Secretary to it. He ordered me to take the 200 copies I brought with me back. I did, and returned to dinner at the Globe. After dinner the copies were sent for to the Meeting, and distributed. The copy I had on the 18th, and this delivery took place on the 20th: 300 people were present, and among them the prisoner. Thelwall was in the chair. I afterwards printed 2000 more. Most of these I gave to the Prisoner, the rest I distributed to the members as they came and asked for them. Besides these, 6000 more were published by the Prisoner's order, who told me to go on till I was desired to stop: they are not paid for, but the Society is credited for them. On other occasions I printed for the Society, and the Prisoner, as Treasurer, paid me for it. The last publication was an Address to the People of Great Britain and Ireland.

Richard Williams was called, to prove the hand writing of Thelwall.

Mr. GARROW. We have shown Thelwall to be a Party in the Conspiracy, and an Agent for Printing the Works of the Society. Any act of his, therefore, in pursuance of the grand object of the destruction of all rank, and the established orders, is evidence against the Prisoner: The mode he adopted was, that of writing songs to expose and vilify the established orders, to prepare the minds of low and ignorant people for their ultimate destruction. We mean to produce in evidence an account of these songs, as given by Thelwall.

Mr. ERSKINE. If these songs had been sung at the Society, it would have been evidence; but Thelwall's account that such songs had been sung is not. What an agent does, binds the principal, but not what he says he does. The account is given to a stranger unconnected with the Society.

Mr. GIBBS. We can have no anxiety to resist this kind of evidence, but the consideration that if it be frequently admitted, there is no knowing where it may end.

The Defendant is charged—1st. With compassing the King's death. 2. With endeavouring to effect that object by means of an insurrection, or with exciting the insurrection with that settled design. All evidence, therefore, must apply to one of these points of the Indictment. The present letter applies to neither.

Mr. GARROW. The whole objection applies to the effect and tendency of the letter, which is applicable only to the Jury. Now, we say, that the letter being in furtherance of the general conspiracy, all the collateral parts involve every one concerned, provided they do not divulge into separate and distinct offences.

The LORD PRESIDENT. I have great doubts on this point of evidence. Every part of a general conspiracy should be admitted as imputable to all. But this is only a private letter, and though good against Thelwall, in my opinion, should not be received against the prisoner. It is not similar to a fact done by Thelwall, it is only an account given by him like a declaration and confession.

The LORD CHIEF BARON and Baron HOTHAM were silent.

Judge BULLER. I think this evidence is admissible. The indictment in the present case involves two distinct points, which, if kept separate, the evidence will apply:—1st. The existence of a traitorous conspiracy;—2d. How far the prisoner is concerned in it. The first point should be established, and then the second enquired into, Suppose the case stood thus:—Thelwall had spoken words to the same effect; the evidence might have been received as establishing the first point of the existence of a conspiracy. This was done in Dameray and Purchase's case; and recently in Lord George Gordon's, evidence was received of what the mob said, although his Lordship was not present at the time. It shewed what design was on foot. The other point involving the prisoner must afterwards be made out; but Thelwall's letter or words make of the fact of a conspiracy.

Judge GROSE. There are doubts on this subject, but I cannot think that the evidence should be rejected. Both are parties to one plot, and it is very material to hear what either says concerning it; for that shows the *animus* and object. I am therefore for its admission.

The LORD CHIEF BARON. There certainly is great doubt on the subject; but it does not appear to me that the letter meets the definition of furthering the conspiracy. I therefore am for rejecting the evidence.

Baron HOTHAM. It does not appear to be part of the plan, but a simple narration, which should not be received against the Prisoner.

The LORD PRESIDENT. I retain my opinion, and see a wide distinction between *words* and *actions*. The cry of the mob in Lord G. Gordon's case was a part of the action and a fact.

Three Judges being against the evidence, and two for it, the evidence was rejected.

Mr. GARROW wished to produce a letter from Martin, a Member of the London Corresponding Society to Margarot, while at Edinburgh as a Delegate to the British Convention.

Mr. ERSKINE objected, as Martin was not included in the indictment, nor any way known but as a Member of the London Corresponding Society. If his letter were to affect the Defendant, he saw no end to evidence, as any letter of any of the numerous members might be produced in the same way, and he wished to know if in that case he should be allowed to rebut the evidence by the same kind; namely, evidence of innocent or meritorious intention.

Mr. GIBBS regarded this case as similar to the last. It was a relation and not a fact.

Mr. GARROW observed, that the letter was an excitation to insurrection in direct terms.

The SOLICITOR GENERAL conceived it clearly admissible on principle and authority. The Indictment charged a conspiracy to overthrow the established government, and the letter was obviously a part of it: Two conspirators communicating by letter, and one avowing the purpose and object in view. In Lord Stafford's case, he said, the evidence was first examined as to the general fact of the existence of a plot; in Lord Lovat's the same.

Serjeant ADAIR thought that the ground of such evidence answered the most weighty objections. It was not idle words spoken or written by another person that would affect a prisoner; but cool deliberation in prosecution of a plan must establish the fact of its existence. In the present case it was the statement of one conspirator of what passed to another.

Mr. BEARCROFT admitted, that if it were mere narrative of what had passed as in the last case, his opinion would have gone with the objection. But this letter was part of the conspiracy, and pointed in a personal manner at the ultimate object in view, namely the death of the King, for it exulted at the circumstance related of a woman throwing a patten at His Majesty.

Mr. ERSKINE objected to Mr. BEARCROFT's reciting part of the evidence, pending an argument whether it should be admitted or not.

Mr. BEARCROFT insisted that he could not argue on any subject without naming it.

The LORD PRESIDENT conceived that the nature of the evidence was all that was necessary to mention.

Mr. BEARCROFT continued to recite parts of the letter in his argument, and blamed Mr. Erskine for interrupting him.

Mr. BOWER and Mr. LAW supported the evidence on the ground first mentioned by Mr. Garrow, namely, the tendency and incitement it contained.

Mr. ERSKINE replied at some length, and catching fire at some gesture or whisper of the Solicitor General, said, "Is this the way that you conduct criminal prosecutions; I trust that I am not to be instructed in the law of the case by you, Sir." He then animadverted with some severity on Mr. Bearcroft's arguments and manner, the latter of which he thought highly irregular.

The LORD PRESIDENT thought the length of discussion proper, and that no blame was imputable. A difference having taken place on the Bench in the last case, it was right that this should be investigated thoroughly. He thought that it could not be made out a part of the conspiracy. The letter was written by Martin; but it did not appear that it was ever received or sent to Margarot. It appeared to him only a confession under the hands of one conspirator, which could not be used against another. In Stafford's case the conspirators were overheard in the act of conspiring: That was a fact. This was only a relation of one, or an admission regarding only the person who made it.

The LORD CHIEF BARON confined his preceding opinion to the bare case of a relation of a fact to another, which relation could not extend, he thought, beyond the person who made it. The present case differed in his mind considerably. It was in itself a fact, a written conversation between one person involved in the conspiracy and another. The act was in itself complete, though it did not reach the person to whom it was addressed. It plainly indicated the fact of a conspiracy.

Baron HOTHAM retained his opinion on the former point, but thought this case differed. It was not a simple narration, but in itself a direct incitement to a perseverance in insurrection.

Judge BULLER. In Lord William Russel's Case the distinction of the two questions is strongly pointed out, namely, the general act of conspiracy, and what share the Prisoner had in it, or how it affects him. The Lord Chief Justice who tried that case, always kept that distinction in view, and substantiated the first as a fact separate from the second. In the present case we must therefore receive every evidence, which establishes the fact of a conspiracy against the life of his Majesty. Then comes the second question; how far the prisoner was concerned in it.

Judge GROSE conceived it material evidence; it showed the existence of a conspiracy, and the nature of it. In this case *scribere est agere*.

LORD PRESIDENT. The evidence must be read. The letter was accordingl produuced and read.

A letter was read from James Smith, dated Newcastle, April 24, 1794, addressed to Hardy.

It acquainted him that a Society had there formed itself upon the pure principles of liberty—Although the suppression of the General Assembly in Scotland had cast a damp upon their minds.

It solicited the favour of his assistance and advice in the prosecution of the grand object.

To this letter Hardy answers under the date of May 1, 1794.

Acknowledges the reception with pleasure—Expresses his hope that ere long tyranny will be no more—It informs of the junction between his Society and that for Constitutional Information.

The next paper read was a letter from Bristol, dated April 24, 1794, addressed to Hardy.

It refers to a former letter, expressive of the difficulties that the nascent Society of Bristol had to struggle with, and hints that they imagine themselves slighted by the London Corresponding Society. They speak of the Address published at Bristol—that it was exceedingly reasonable and temperate—such as no rational reader was likely to be alarmed at—They applaud the idea of a General Convention. Signed *John Pomfrey*.

Read a letter from Norwich, dated 29th April, 1794, addressed to Hardy.—This correspondent ridicules the subscriptions of the friends of Government, where one Noble Lord's name is seen against 200l. and another importantly after 20l. He applauds the superior energy of the friends of freedom, and requests a copy of the last declarations of Hardy's Society.

Read a letter from Hereford, dated 12th April, 1794, addressed to Hardy.—It merely requests information as to the nature and designs of Hardy's Society, and expresses sentiments inclined to affiliation. It is signed *Joseph Powell*.

To this Hardy returns for answer, that their objects are the increase of knowledge, the redressing of grievances, universal suffrage and annual Parliaments, as the only means of obtaining substantial freedom; for says Mr. Hardy, as the poet Pope writes, (Homer)

> Jove fix'd it certain, that whatever day
> Makes man a slave, takes half his worth away.

A letter from the Sheffield Society. Mr. Tims proved the seizing of the paper. Mr. ERSKINE conceiving it irregular: He was answered by the Counsel for the Crown, that it was not stated to be *the* Society, but simply *a* Society.

A letter from Halifax, to Hardy, signed *W. Trumel*.

A letter from Glasgow, dated Oct. 30, 1793, alludes to the Edinburgh Convention—the persecution of the Friends of Freedom, and hopes that measures will be adopted for their relief. Signed *Jno. Barclay*.

Daniel Adams called in.

Were you not Secretary to the Society for Constitutional Information? I was. Was that book, in which the proceedings appear to be entered, in your hands? It was. Was this book open to the perusal of the members? Yes. Were your proceedings ever read over to the Society? Yes, on one day, it was usual to read the proceedings of the day previous.

The Society for Constitutional Information were then proved on the 15th June, 1792, to have received the six Delegates from the London Corresponding Society with great pleasure.

T. Hardy's letter, thanking the Society for Constitutional information for the 200 copies of their letters.

The meeting of the Society for Constitutional Information on the 20th of July, 1792, was then proved—in which the proposal about Paine's book was received; that author represented that the profits of the Rights of Man were 1000l. and he begged that Society to become trustees for the disposal of it. At this meeting there were present—Crown and Anchor Tavern—

FROST in the Chair:

Messrs. Tooke, D. Edwards, Bonney, John Martin, J. Williams, Dr. Maxwell, Hall, Sharpe, Pearson, Kentish, Sturch, G. Williams, Constable, Rivington, C. Harwood, Bush, Bush, jun. Tuffouli, Mattelow, Hinde, Lord Semple, Jennings, Barbellow, Fitzgerald, Allen, Chapman, Aspinshall, Hardy, Grant, Capt. Perry, Rev. Dr. Towers, Gough, Gerald, Littlejohn, Rutt, Sutton, Moore.

It was determined to consider of the proposal, and finally answer on the next meeting, which with nearly the same persons present, met on the 27th of July, 1792. Then they resolved to reject the offer—Adams was directed to write a letter expressive of the Society's thanks for the honor he had done them, but they thought every man who had laboured in the public service merited to reap the fruits of his labour, and receive the advantage of his talents.

Mr. *Jordan* sworn.

Do you know the hand-writing of Thomas Paine? I never saw him write—though I have seen what I believe to be his writing. You were the publisher of his Rights of Man? I was; I did not print them. Chapman printed them. You have received notes from him after the delivery of the copy? I do not recollect. You know his person? I have seen him. Paine is the author of the book? He is. Is that the book you published? I can't tell; there were pirated editions. Have you no marks by which you can ascertain it? I believe it came from my house; Chapman printed the first part of the Rights of Man, and the first part of the second.

At a meeting on the 25th of September, 1792, of the Society for Constitutional Information, read a letter from T. Hardy, as Secretary to the London Corresponding Society.

It spoke their hearty abhorrence of a connection with German despots, and hoped the names of Freemen would be sufficient to counteract their designs.

To this letter an answer of thanks was returned.

Here the Judge addressed the Jury—As he could not flatter them that a short period would enable them to go through any one description

of evidence, he advised them to draw for refreshment.

At half past four o'clock the Jury returned, and the Court being resumed.

LAUZUN, the Messenger, was called in to prove the finding the first Edition of Paine's Book in the house of Hardy.

Then was read the Address of Paine to the Convention of France upon his being elected a Member of the Convention, and ordered to be distributed by the London Corresponding Society.

It spoke of the purity between the situations of America and France, and the work that was before them, the unconfined operation of liberty, and the impolicy of despots. It exhorted them to punish their enemies by instruction rather than revenge.

Thomas Chapman sworn.

He deposed that he had printed the whole First, and the former part of the Second Part of the Rights of Man as far as Signature K. page 128 included. He did not finish the book, but returned the rest to Paine.

[*Here follows various Extracts from* PAINE's *Rights of Man, containing the dedicatory Letter to M.* DE LA FAYETTE, *and the Preface to the Second Part, which were read by the Clerk.*]

TO

M. DE LA FAYETTE.

After an acquaintance of nearly fifteen years, in difficult situations in America, and various consultations in Europe, I feel a pleasure in presenting to you this small treatise, in gratitude for your services to my beloved America, and as a testimony of my esteem for the virtues, public and private, which I know you to possess.

The only point upon which I could ever discover that we differed, was not as to principles of government, but as to time. For my own part, I think it equally as injurious to good principles to permit them to linger, as to push them on too fast. That which you suppose accomplishable in fourteen or fifteen years, I may believe practicable in a much shorter period. Mankind, as it appears to me, are always ripe enough to understand their true interest, provided it be presented clearly to their understanding, and that in a manner not to create suspicion by any thing like self-design, nor offend by assuming too much. Where we would wish to reform we must not reproach.

When the American revolution was established, I felt a disposition to sit serenely down and enjoy the calm. It did not appear to me that any object could afterwards arise great enough to make me quit tranquillity, and feel as I had felt before. But when principle, and not place, is the energetic cause of action, a man, I find, is every where the same.

I am now once more in the public world; and as I have not a right to contemplate on so many years of remaining life as you have, I am resolved to labour as fast as I can; and as I am anxious for your aid and your company, I wish you to hasten your principles and overtake me.

If you make a campaign the ensuing spring, which it is most probable there will be no occasion for, I will come and join you. Should the campaign commence, I hope it will terminate in the extinction of German despotism, and in establishing the freedom of all Germany. When France shall be surrounded with revolutions, she will be in peace and safety, and her taxes, as well as those of Germany, will consequently become less.

Your sincere,
Affectionate Friend,
THOMAS PAINE.

London, Feb. 9, 1792.

PREFACE.

When I began the chapter entitled the "Conclusion" in the former part of the RIGHTS OF MAN, published last year, it was my intention to have extended it to a greater length; but in casting the whole matter in my mind which I wished to add, I found that I must either make the work too bulky, or contract my plan too much. I therefore brought it to a close as soon as the subject would admit, and reserved what I had further to say to another opportunity.

Several other reasons contributed to produce this determination. I wished to know the manner in which a work, written in a style of thinking and expression different to what had been customary in England, would be received before I ventured farther. A great field was opening to the view of mankind by means of the French Revolution. Mr. Burke's outrageous opposition thereto brought the controversy into England. He attacked principles which he knew (from information) I would contest with him, because they are principles which I believe to be good, and which I have contributed to establish, and conceive myself bound to defend. Had he not urged the controversy, I had most probably been a silent man.

Another reason for deferring the remainder of the work was, that Mr. Burke promised in his first publication to renew the subject at another opportunity, and to make a comparison of what he called the English and French Constitutions. I therefore held myself in reserve for him. He has published two works since, without doing this; which he certainly would not have omitted, had the comparison been in his favour.

In his last work, "His appeal from the new to the old Whigs," he has quoted about ten pages from the Rights of Man, and having given himself the trouble of doing this, says, "he shall not attempt in the smallest degree to refute them," meaning the principles therein contained. I am enough acquainted with Mr. Burke to know, that he would if he could. But instead of contesting them, he immediately consoles himself with saying, that "he has done his part."---He has not done his part. He has not performed his promise of a comparison of Constitutions. He started the controversy, he gave the challenge, and has fled from it; and he is now a CASE IN POINT with his own opinion, that, "the age of chivalry is gone!"

The title, as well as the substance of his last work, his "Appeal," is his condemnation. Principles must stand on their own merits, and if they are good they certainly will. To put them under the shelter of other men's authority, as Mr. Burke has done, serves to bring them into suspicion. Mr. Burke is not very fond of dividing his honours, but in this case he is artfully dividing the disgrace. But who are those to whom Mr. Burke made his appeal? A set of childish thinkers and half-way politicians born in the last century; men who went no farther with any principle than as it suited their purpose as a party; the nation was always left out of the question; and this has been the character of every party from that day to this. The nation sees nothing in such works, or such politics worthy its attention. A little matter will move a party, but it must be something great that moves a nation.

Though I see nothing in Mr. Burke's Appeal worth taking much notice of, there is, however, one expression upon which I shall offer a few remarks.---After quoting largely from the Rights of Man, and declining to contest the principles contained in the work, he says, "This will "most probably be done (if such writings shall be thought "to deserve any other refutation than that of criminal jus-"tice) by others, who may think with Mr. Burke and "with the same zeal."

In the first place, it has not yet been done by any body. Not less, I believe, than eight or ten pamphlets intended as answers to the former part of the "Rights of Man," have been published by different persons, and not one of them, to my knowledge, has extended to a second edition, nor are even the titles of them so much as generally remembered. As I am averse to unnecessarily multiplying publications, I have answered none of them. And as I believe that a man may write himself out of reputation when nobody else can do it, I am careful to avoid that rock.

But as I would decline unnecessary publications on the one hand, so would I avoid every thing that might appear like sullen pride on the other. If Mr. Burke, or any person on his side the question, will produce an answer to the "Rights of Man," that shall extend to an half, or even to a fourth part of the number of Copies to which the Rights of Man extended, I will reply to his work. But until this be done, I shall so far take the sense of the Public for my guide (and the world knows I am not a flatterer) that what they do not think worth while to read, is not worth mine to answer. I suppose the number of Copies to which the Rights of Man extended, taking England, Scotland, and Ireland, is not less than between forty and fifty thousand.

I now come to remark on the remaining part of the quotation I have made from Mr. Burke.

"If," says he, "such writings shall be thought to de-"serve any other refutation than that of CRIMINAL "justice."

Pardoning the pun, it must be CRIMINAL justice indeed that should condemn a work as a substitute for not being able to refute it. The greatest condemnation that could be passed upon it would be a refutation. But in proceeding by the method Mr. Burke alludes to, the condemnation would, in the final event, pass upon the criminality of the process and not upon the work, and in this case, I had rather be the author, than be either the judge or the jury, that should condemn it.

But to come at once to the point. I have differed from some professional Gentlemen on the subject of prosecutions, and since I find they are falling into my opinion, which I will here state as fully, but as concisely as I can.

I will first put a case with respect to any law, and then compare it with a government, or with what in England is, or has been, called a Constitution.

It would be an act of despotism, or what in England is called arbitrary power, to make a law to prohibit investigating the principles, good or bad, on which such a law, or any other is founded.

If a law be bad, it is one thing to oppose the practice of it, but it is quite a different thing to expose its errors, to reason on its defects, and to shew cause why it should be repealed, or why another ought to be substituted in its place. I have always held it an opinion (making it also my practice) that it is better to obey a bad law, making use at the same time of every argument to shew its errors and procure its repeal, than forcibly to violate it; because the precedent of breaking a bad law might weaken the force, and lead to a discretionary violation of those which are good.

The case is the same with respect to principles and forms of Government, or to what are called Constitutions and the parts of which they are composed.

It is for the good of nations, and not for the emolument or aggrandizement of particular individuals, that Government ought to be established, and that mankind are at the expence of supporting it. The defects of every Government and Constitution, both as to principle and form must, on a party of reasoning, be as open to discussion as the defects of a law, and it is a duty which every man owes to society to point them out. When those defects, and the means of remedying them are generally seen by a nation, that nation will reform its Government or its Constitution in the one case, as the Government repealed or reformed the law in the other. The operation of Government is restricted to the making and the administering of laws; but it is to a nation that the right of forming or reforming, generating or regenerating Constitutions and Governments belong; and consequently those subjects, as subjects of investigation, are always before a country AS A MATTER OF RIGHT, and cannot, without invading the general rights of that country, be made subjects for prosecution. On this ground I will meet Mr. Burke whenever he please. It is better that the whole argument should come out, than to seek to stifle it. It was himself that opened the controversy, and he ought not to desert it.

I do not believe, that Monarchy and Aristocracy will continue seven years longer in any of the enlightened countries in Europe. If better reasons can be shewn for them than against them, they will stand; if the contrary, they will not. Mankind are not now to be told they shall not think, or they shall not read; and publications that go no farther than to investigate principles of Government, to invite men to reason and to reflect, and to shew the errors and excellencies of different systems, have a right to appear. If they do not excite attention, they are not worth the trouble of a prosecution; and if they do, the prosecution will amount to nothing, since it cannot amount to a prohibition of reading. This would be a sentence on the public, instead of the author, and would also be the most effectual mode of making or hastening Revolutions.

On all cases that apply universally to a nation, with respect to systems of Government, a Jury of Twelve Men is not competent to decide. Where there are no Witnesses to be examined, no facts to be proved, and where the whole matter is before the whole Public, and the merits or demerits of it resting on their opinion; and where there is nothing to be known in a Court, but what every body knows out of it, every twelve men is equally as good a Jury as the other, and would most probably reverse each other's verdict; or, from the variety of their opinions, not be able to form one. It is one case, whether a nation approve a work, or a plan; but is quite another case, whether it will commit to any such Jury the power of determining whether that nation have a right to, or shall reform its Government, or not. I mention those cases, that Mr. Burke may see I have not written on Government without reflecting on what is Law, as well as on what are Rights. The only effectual Jury in such cases would be, a Convention of the whole nation fairly elected; for in all such cases the whole nation is in the vicinage. If Mr. Burke will propose such a Jury, I will wave all privileges of being the Citizen of any other Country, and, defending its principles, abide the issue, provided he will do the same; for my opinion is, that his work and his principles would be condemned instead of mine.

As to the prejudices which men have from education and habit, in favour of any particular form or system of Government, those prejudices have yet to stand the test of reason and reflection. In fact, such prejudices are nothing. No man is prejudiced in favour of a thing, knowing it to be wrong. He is attached to it on the belief of its being right; and when he sees it is not so, the prejudice will be gone. We have but a defective idea of what prejudice is. It might be said, that until men think for themselves, the whole is prejudice, and not opinion; for that only is opinion which is the result of reason and reflection. I offer this remark, that Mr. Burke may not confide too much in what has been the customary prejudices of the Country.

I do not believe that the people of England have ever been fairly and candidly dealt by. They have been imposed upon by parties, and by men assuming the character of leaders. It is time that the nation should rise above those trifles. It is time to dismiss that inattention which has so long been the encouraging cause of stretching taxation to excess. It is time to dismiss all those songs and toasts which are calculated to enslave, and operate to suffocate reflection. On all such subjects men have but to think, and they will neither act wrong nor be misled. To say that any people are not fit for freedom, is to make poverty their choice, and to say they had rather be loaded with taxes than not. If such a case could be proved, it would equally prove, that those who govern are not fit to govern them, for they are a part of the same national mass.

But admiting Governments to be changed all over Europe; it certainly may be done without convulsion or revenge. It is not worth making changes or revolutions, unless it be for some great national benefit; and when this shall appear to a nation, the danger will be, as in America and France, to those who oppose; and with this reflection I close my Preface.

THOMAS PAINE.

London, Feb. 9, 1792.

RIGHTS OF MAN, *Part I.*

Page 54.—" Can then Mr. Burke produce the English Constitution? If he cannot, we may fairly conclude, that though it has been so much talked about, no such thing as a constitution exists, or ever did exist, and consequently that the people have yet a Constitution to form.

" Mr. Burke will not, I presume, deny the position I have already advanced; namely—that governments arise either *out* of the people or *over* the people. The English Government is one of those which arose out of a conquest, and not out of society, and consequently it arose over the people; and though it has been much modified from the opportunity of circumstances since the time of William the Conqueror, the country has never yet regenerated itself, and is therefore without a Constitution."

Page 55.—" A government on the principles on which Constitutional Governments arising out of society are established, cannot have the right of altering itself. If it had, it would be arbitrary. It might make itself what it please; and wherever such a right is set up, it shews there is no Constitution. The act by which the English Parliament empowered itself to sit seven years, shews there is no Constitution in England. It might, by the same self-authority, have sit any greater number of years, or for life. The bill which the present Mr. Pitt brought into Parliament some years ago, to reform Parliament, was on the same erroneous principle. The right of reform is in the nation in its original character, and the Constitutional method would be by a general convention elected for the purpose."

Page 60—" Much is to be learned from the French Constitution. Conquest and tyranny transplanted themselves with William the Conqueror from Normandy into England, and the country is yet disfigured with the marks. May then the example of all France contribute to regenerate the freedom which a province of it destroyed!"

Page 152—" The two modes of Government which prevail in the world, are, *first*, Government by election and representation: *Secondly*, Government by hereditary succession. The former is generally known by the name of Republic; the latter by that of monarchy and aristocracy.

" Those two distinct and opposite forms, erect themselves on the two distinct and opposite basis of Reason and Ignorance.—As the exercise of Government requires talents and abilities, and as talents and abilities cannot have hereditary descent, it is evident that hereditary succession requires a belief from man, to which his reason cannot subscribe, and which can only be established upon his ignorance; and the more ignorant any country is, the better it is fitted for this species of Government."

Page 156.—" From the Revolutions of America and France, and the symptoms that have appeared in other countries, it is evident that the opinion of the world is changing with respect to systems of Government, and that revolutions are not within the compass of political calculations. The progress of time and circumstances, which men assign to the accomplishment of great changes, is too mechanical to measure the force of the mind, and the rapidity of reflection, by which Revolutions are generated: All the old governments have received a shock from those that already appear, and which were once more improbable, and are a greater subject of wonder, than a general Revolution in Europe would be now.

" When we survey the wretched condition of man under the monarchical and hereditary systems of Government, dragged from his home by one power, or driven by another, impoverished by taxes more than by enemies, it becomes evident that those systems are bad, and that a General Revolution in the principle and construction of Governments is necessary.

" What is Government more than the management of the affairs of the nation? It is not, and from its nature cannot be, the property of any particular man or family, but of the whole community, at whose expence it is supported; and though by force or contrivance it has been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the nation only, and not to any individual; and a nation has at all times an inherent indefeasible right to abolish any form of Government it finds inconvenient, and establish such as accords with its interest, disposition, and happiness. The romantic and barbarous distinction of men into kings and subjects, though it may suit the condition of courtiers, cannot that of citizens; and is exploded by the principle upon which Governments are now founded. Every citizen is a member of the sovereignty, and, as such, can acknowledge no personal subjection; and his obedience can only be to the laws.

" When men think of what Government is, they must necessarily suppose it to possess a knowledge of all the objects and matters upon which its authority is to be exercised. In this view of Government, the Republican system, as established by America and France, operates to embrace the whole of a nation; and the knowledge necessary to the interest of all the parts, is to be found in the centre, which the parts by representation form: but the old Governments are on a construction that excludes knowledge as well as happiness; Government by Monks, who know nothing of the world beyond the walls of a Convent, is as consistent as Government by Kings.

" What were formerly called Revolutions, were little more than a change of persons, or an alteration of local circumstances. They

rose and fell like things of course, and had nothing in their existence or their fate that could influence beyond the spot that produced them. But what we now see in the world, from the Revolutions of America and France, are a renovation of the natural order of things, a system of principles as universal as truth and the existence of man, and combining moral with political happiness and national prosperity."

Page 161.—"As it is not difficult to perceive, from the enlightened state of mankind, that hereditary Governments are verging to their decline, and that revolutions on the broad basis of nation sovereignty, and Government by representation, are making their way in Europe, it would be an act of wisdom to anticipate their approach, and produce Revolutions by reason and accommodation, rather than commit them to the issue of convulsions.

"From what we now see, nothing of Reform in the Political World ought to be held improbable. It is an age of Revolutions, in which every thing may be looked for. The intrigue of Courts, by which the system of war is kept up, may provoke a confederation of nations to abolish it: and an European Congress, to patronize the progress of free Government, and promote the civilization of nations with each other, is an event nearer in probability, than once were the Revolutions and Alliance of France and America."

Part Second.

Page 21.—"All hereditary Government is in its nature tyranny. An heritable Crown, or an heritable Throne, or by what other fanciful name such things may be called, have no other significant explanation than that mankind are heritable property. To inherit a Government, is to inherit the People, as if they were flocks and herds."

Page 27.—"How irrational then is the hereditary system, which establishes channels of power, in company with which wisdom refuses to flow. By continuing this absurdity, man is perpetually in contradiction with himself; he accepts for a King, or a Chief Magistrate, or a Legislator, a person whom he would not elect for a constable."

Page 47.—"This Convention met at Philadelphia in May, 1787, of which General Washington was elected president. He was not at that time connected with any of the State Governments, or with Congress. He delivered up his commission when the war ended, and since then had lived a private citizen.

"The Convention went deeply into all the subjects; and having, after a variety of debate and investigation, agreed among themselves upon the several parts of a federal Constitution, the next question was, the manner of giving it authority and practice.

"For this purpose, they did not, like a cabal of courtiers, send for a Dutch Stadtholder, or a German Elector; but they referred the whole matter to the sense and interest of the country.

"They first directed, that the proposed Constitution should elect a Convention, expressly for the purpose of taking it into consideration, and of ratifying and ratification of any nine states should be given, that those states should proceed to the election of their proportion of members to the new federal Government; and that the operation of it should then begin, and the former federal Government cease."

Page 52.—"The history of the *Edwards* and the *Henries*, and up to the commencemement of the *Stuarts*, exhibits as many instances of tyranny as could be acted within the limits to which the nation had restricted it. The Stuarts endeavoured to pass those limits, and their fate is well known. In all those instances we see nothing of a Constitution, but only of restrictions on assumed power.

"After this, another William, descended from the same stock, and claiming from the same origin, gained possession; and of the two evils, *James* and *William*, the nation preferred what it thought the least; since, from circumstances, it must take one. The act, called the Bill of Rights, comes here into view. What is it, but a bargain, which the parts of the Government made with each other to divide powers, profits and privileges? You shall have so much, and I will have the rest; and with respect to the nation, it said, for *four shares*, YOU *shall have the right of petitioning*. This being the bill of rights is more properly a bill of wrongs and of insult. As to what is called the Convention Parliament, it was a thing that made itself, and then made the authority by which it acted. A few persons got together, and called themselves by that name. Several of them had never been elected, and none of them for that purpose.

"From the time of William, a species of Government arose, issuing out of this coalition Bill of Rights; and more so, since the corruption introduced at the Hanover succession, by the agency of Walpole; that can be described by no other name than a despotic Legislation.

"Though the parts may embarrass each other, the whole has no bounds; and the only right it acknowledges out of itself, is the right of petitioning. Where then is the Constitution either that gives or that restrains power?

"It is not because a part of the Government is elective, that makes it less a despotism, if the persons so elected, possess afterwards as a Parliament, unlimited powers. Election, in this case, become separated from representation, and the candidates are candidates for despotism.

"I cannot believe that any nation, reasoning on its own rights, would have thought of calling those things a *Constitution*, if the cry of Constitution had not been set up by the Government."

Page 63.—" With respect to the two houses, of which the English Parliament is composed, they appear to be effectually influenced into one, and, as a legislature, to have no temper of its own. The Minister, whoever he at any time may be, touches it as with an opium wand, and it sleeps obedience.

" But if we look at the distinct abilities of the two houses, the difference will appear so great, as to shew the inconsistency of placing power where there can be no certainty of the judgment to use it. Wretched as the state of representation is in England, it is manhood compared with what is called the House of Lords; and so little is this nick-named house regarded, that the people scarcely inquire at any time what is doing. It appears also to be most under influence, and the furthest removed from the general interest of the nation. In the debate on engaging in the Russian and Turkish war, the majority in the House of Peers in favour of it was upwards of ninety, when, in the other house, which is more than double the numbers, the majority was sixty-three."

Page 65.—" But in whatever manner the separate parts of a Constitution may be arranged, there is *one* general principle that distinguishes freedom from slavery, which is, that all *hereditary Government over a People is to them a species of slavery, and Representative Government is freedom.*"

Page 107.—" Having thus glanced at some of the defects of the two Houses of Parliament, I proceed to what is called the Crown, upon which I shall be very concise.

" It signifies a nominal office of a million sterling a year, the business of which consists in receiving the money. Whether the person be wise or foolish, sane or insane, a native or a foreigner, matters not. Every Ministry acts upon the same idea that Mr. Burke writes, namely, that the people must be hood-winked, and held in superstitious ignorance by some bugbear or other; and what is called the Crown answers this purpose, and therefore it answers all the purposes to be expected from it. This is more than can be said of the other two branches."

Page 161.—" The fraud, hypocrisy, and imposition of Governments are now beginning to be too well understood to promise them any long career. The farce of monarchy and aristocracy, in all countries, is following that of chivalry, and Mr. Burke is dressing for the funeral. Let it then pass quietly to the tomb of all other follies, and the mourners be comforted.

" The time is not very distant when England will laugh at itself for sending to Holland, Hanover, Zell, or Brunswick for men, at the expence of a million a year, who understand neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted them for the office of a parish constable. If Government could be trusted to such hands, it must be some easy and simple thing indeed, and materials fit for all the purposes may be found in every town and village in England."

Further proceedings at the Crown and Anchor were then read—on the 28th of September and 5th of October, 1792.

Read a letter from the Constitutional Whigs and Independents—and the thanks were voted.

Read Joel Barlow's Letter to the Convention of France, transmitted to the Society—it represents the defects of the Constitution of 1791—The Thanks of the Society for the communication were voted at the next Meeting, on the 12th of October.

From the London Corresponding Society, with an inclosed Address to the National Convention of France.

" Sir,

" Your favour of the 3d instant, informing us that our proposal for addressing the French National Convention had met with the approbation of the society for Constitutional Information, we have enclosed you a copy of the Address we have drawn up and mean to send, the Society at large having approved of it.

" Not in the least presuming to propose it for the adoption of your Society, ourselves will joyfully throw it aside, and as readily subscribe to any production of yours better calculated to answer the purpose, and less unworthy being presented to so august an Assembly.

" Should no other be produced, we imagine this plain but honest Address will be adopted by some other Societies, in concurrence with our own, and, respecting the manner of signing, of conveying, and of presenting it, your better experienced advice will greatly oblige,

" Gentlemen, your very humble Servant,

" For the Committee of the London Corresponding Society,

" MAURICE MARGAROT, Chairman.

———, Secretary.

" Thursday, 11 Oct. 1792.

" Frenchmen,

" While foreign robbers are ravaging your territories under the specious pretext of justice, cruelty and desolation leading on their van, perfidy with treachery bringing up their rear, yet mercy and friendship impudently held forth to the World as the sole motives of their incursions, the oppressed part of mankind, forgetting for a while their own sufferings, feel only for yours, and with an anxious eye watch the event, fervently supplicating the Almighty Ruler of the Universe to be favourable to your cause, so intimately blended with their own. Frowned upon by an oppressive system of controul, whose gradual but continued encroachments have deprived this Nation of nearly all its boasted Liberty, and brought us almost to

that abject state of slavery from which you have so emerged, five thousand British Citizens, indignant, manfully step forth to rescue their Country from the opprobrium brought upon it by the supine conduct of those in power. They conceive it to be the duty of Britons to countenance and assist, to the utmost of their power, the champions of human happiness, and to swear to a Nation proceeding on the plan you have adopted, an inviolable friendship: sacred from this day be that friendship between us, and may vengeance to the uttermost overtake the man who, hereafter, shall attempt to cause a rupture.

"Though we appear so few at present, be assured, Frenchmen, that our number increases daily. It is true, that the stern uplifted arm of authority at present keeps back the timid; that busily circulated impostures hourly mislead the credulous; and that court intimacy with avowed French traitors has some effect on the unwary and on the ambitious: but with certainty we can inform you, Friends and Freemen, that information makes a rapid progress among us; curiosity has taken possession of the public mind; the conjoint reign of ignorance and despotism passes away; men now ask each other what is freedom, what are our rights? Frenchmen, you are already free, and Britons are preparing to become so. Casting far from us the criminal prejudices artfully inculcated by evil-minded men and wily courtiers, we, instead of natural enemies, at length discover in Frenchmen our Fellow Citizens of the World, and our brethren by the same Heavenly Father, who created us for the purpose of loving and mutually assisting each other, but not to hate, and to be ever ready to cut each other's throats at the command of weak and ambitious kings and corrupt ministers: seeking our real enemies, we find them in our bosoms; we feel ourselves inwardly torn by, and ever the victims of, a restless and all-consuming Aristocracy, hitherto the bane of every nation under the sun. Wisely have you acted in expelling it from France.

"Warm as our wishes are for your success, eager as we are to behold freedom triumphant, and man every where restored to the enjoyment of his just rights, a sense of our duty, as orderly Citizens, forbids our flying in arms to your assistance; our Government has pledged the national faith to remain neutral—in a struggle of Liberty against Despotism Britons remain neutral! O shame! But we have entrusted our king with discretionary Powers, we therefore must obey; our hands are bound, but our hearts are free, and they are with you.

"Let German despots act as they please, we shall rejoice at their fall, compassionating however their enslaved subjects. We hope this tyranny of their masters will prove the means of einstating in the full enjoyment of their rights and liberties, millions of our fellow creatures.

"With unconcern, therefore, we view the Elector of Hanover join his troops to traitors and robbers—but the King of Great Britain will do well to remember that this Country is not Hanover—should he forget this distinction, we will not.

"While you enjoy the envied glory of being the unaided defenders of freedom, we fondly anticipate in idea, the numerous blessings mankind will enjoy. If you succeed, as we ardently wish, the triple alliance (not of crowns, but) of the people of America, France, and Britain, will give freedom to Europe, and peace to the whole world. Dear friends, you combat for the advantage of the human race—how well purchased will be, though at the expence of much bloodshed, the glorious unprecedented privilege of saying mankind is free—tyrants and tyranny are no more—peace reigns on the earth, and this is the work of Frenchmen.

"Resolved, That the Thanks of this Society be given to the London Corresponding Society for the above Address transmitted by them; and that the Secretary acquaint them this Society do highly approve of the spirit of the same."

Joseph Johnson, Bookseller, sworn.

Did you publish this pamphlet? I have published many. Do you know by the title this to have been one of the pamphlets you published? I believe it may. Who paid for the publication? The sale paid the charges. Do you believe Joel Barlow to be the author? I do not know. Do you believe other authors might assist? I really cannot say. You did not publish Paine's Rights of Man? No; I did not. Did you sell any? I believe I did. Many, or few? I would wish to observe, that when I sold them the book had not been considered as a libel. Do you know how many of them were published? I do not know. Was the sale extensive? I believe it was large.

[The CHIEF BARON desired the witness might not be pressed upon this subject.]

Do you remember any letter from Mr. Paine to Mr. Dundas? Yes. Were copies sent you by any body? I think there were from the country. Were there many? I do not recollect. Some dozens? There might. Some hundreds? I do not know. Were there 700? I do not know, nor from whom they came.

What quantity might you sell of Barlow's letter? 5 or 600.

Lauzun proved the seizing Barlow's letter at the house of the prisoner. This letter was transmitted to the Corresponding Society, together with a copy of the same writer's letter to the Convention.

Mr. *Johnson* was here asked, if Mr. Barlow was the author of "Advice to the Privileged Orders?" He published it for Barlow. Had it a large sale? About 1000.—Extracts read from it.

Do you know such book published by Thomas Paine (meaning the Address to the Addressers)?

I believe there was such a book.

Do you know the *cheap* edition?

I beg leave to decline giving any answer.

Several interrogatories then ensued. Do you believe that there was a *large* edition? Do you believe that real, or a *fac simile* edition?

To all of which the witness declined an answer.

Do you know by whom this was printed? (shewing the book.) I believe by Mr. Symonds.

Had you any communications on the subject? I beg leave to decline the answer.

Mr. GARROW. My Lord, I am not asking whether the witness published any one edition or not; but whether or not he had any communication directly or indirectly with the author on the subject.

Mr. *Johnson*. I beg leave to decline any answer.

Mr. GARROW. Mr. M'Lean, are these the letters, referred to in the last bill, by Mr. Adams, Secretary to the Constitutional Society?

Mr. *M'Lean*. They are.

Mr. GARROW *emphatically* remarked—we see and approve the industry of Mr. Adams, the Secretary.

On reading the Addresses, one mentioned—"That innumerable Societies are formed in Scotland, England, and Ireland, for the purpose of Reform."

In the same Addresses, "the Society has sent to the Soldiers of Liberty 1000 pair of Shoes," &c.

After reading a body of other evidence,

WILLIAM HUSKISSON, of Pall-Mall, who had sometime resided in France, as Secretary to Lord GOWER, was called upon to substantiate an Address from a Society in France. Mr. Huskisson corrected several errors in the English translation of the Address—Such as, "Confederacy destructive of TYRANNY," he mended by the more literal translation of "destructive of *Tyrants*"—"The perfidious Court of St. James's, whose *tyrannical* policy"—The witness amended by "whose *infernal* policy."

Mr. GARROW. Thomas Wood, is that Mr. FROST's handwriting? (shewing a manuscript to identify the same).

Mr. *Wood*. I have no doubt of it.

Mr. GARROW.—In order to shew, my Lord the nature of the *glorious victory* alluded to by Mr. HORNE TOOKE, &c. in the correspondence now read, I shall ask some few questions of the witness, who I believe resided in Paris at that eventful period.

Mr. GARROW.—Was you in Paris the 10th of May, 1792?

Mr. *Huskisson*.—I was. I resided in the house of Earl Gower, the English Ambassador. On the 10th of August I remained at home—heard firing, and saw people running.

Mr. GARROW.—What had occasioned the firing, &c.

Mr. *Huskisson*.—The contest between the insurgents and the King's friends. The Governor took shelter in my lodgings. I went out about nine o'clock—the outbuildings were burnt, and there was an appearance of destruction every where.

Mr. *William Woodfall* deposed, that the paper shewn him was the hand-writing of Mr. Horne Tooke, whom he had seen write several times.

Mr. *James Thornton*, on being shewn four manuscripts, deposed, that they were the hand-writing of Mr. Horne Tooke.

Mr. *Thomson* affirmed, that the two papers now presented were among those seized in the house of Mr. Horne Tooke.

Mr. *Huskisson* was again called, to mention what he knew of the state of affairs in Paris on the 10th of August, 1792.

[A letter contained these words—"We can now begin the public contributions".]

An extract was then read from the proceedings at the Crown and Anchor on the 18th of January, 1793, Lord SEMPLE in the Chair, when there were present,

Count Zenobio,	Mr. J. Williams,
Mr. Chapman,	Mr. Balmain, and
Mr. Reider,	Others,

It was resolved, "That *Citizen* ST. ANDRE should be admitted an Associated Honorary Member of this Society; and that the same should be published in the news-papers."

Ordered.

At another Meeting, 25th January, 1793, it was resolved, "That *Citizen* BARRERE should be admitted an Associated Honorary Member of this Society; and that the same should be published in the newspapers."

A Resolution was also made to the following effect:—"That the people of this country (meaning Great Britain) are averse to a war with France."

In an extract from a letter written by Mr. HORNE TOOKE to PETHION, Mayor of *Paris*, Mr. TOOKE offers the donation of 4000 Livres to enable the French to defend themselves against all Tyrants, with assurances that he would give them every assistance in his power in the cause of Liberty—*even against his own countrymen!*

The French Paper, called the "*Moniteur*," was then produced, recording these facts; containing also the congratulatory speeches of ST. ANDRE and BARRERE on the subject.

Mr. *Huskisson*, when called upon to swear to particular papers first produced, declined.

Mr. *De Boffe* deposed, that he was a Bookseller in Gerard-street, Soho; that he sold French Newspapers; that he believed the papers now shown him were the French *Moniteurs*, as genuine-

ly printed in Paris; that he had dealt extensively in the newspapers called the *Moniteurs*; that they had, at the time alluded to, been regularly sent from Paris to Calais, thence to Messrs. Minet and Fector, Dover; and that all those which he had received, had been constantly examined by the *Custom-house Officers!* [The *emphasis* with which Mr. De Boffe delivered himself in the concluding part of his deposition, produced a loud laugh.]

A short altercation then ensued between the ATTORNEY GENERAL and Mr. ERSKINE respecting the evidence now produced, the latter thinking the *Moniteur* an indifferent testimony at this crisis.

A letter was read, which the Constitutional Society transmitted by Mr. Rowan to Simon Butler and Oliver Bond, to congratulate them on the resistance they made to the Aristocracy of Ireland.

At a Meeting of the 12th of April, 1793, Mr. Frost read a letter, which he was directed to prepare, in answer to one from the United Societies of Norwich, which was given in evidence.

Previous to this, Mr. GIBBS acquainted the Court, that being indisposed he found himself unable to attend any longer; and as it was then eleven o'clock, he hoped the Court would consent to adjourn the proceedings.

The PRESIDENT said, that as they were now in the midst of the proceedings, he would much rather give him an hour in the morning.

Mr. GARROW observed, that though Mr. GIBBS should from indisposition withdraw, it could then produce no great inconvenience while Mr. ERSKINE remained.

Mr. ERSKINE declared, that he would stay with all his heart, and suffer Mr. GIBBS to retire; but he wished exceedingly that the Court would consent to adjourn then, as he wanted some time to turn the evidence already given in his mind.

The PRESIDENT replied, that he last night expressed his inclination to give every indulgence in his power to the prisoner and his Counsel, but he did not think an adjournment now absolutely necessary, as no inconvenience could arise from Mr. GIBBS withdrawing.

Mr. ERSKINE said, that as the evidence adduced was new to him, and he had occasion to deliberate upon it, the Counsel on the other side had great advantage over him.

The LORD PRESIDENT said, when he came to make his defence the Court would allow for any indulgence he may require. But as to the fatigue, the Court also had its share of it. The proceedings were then continued.

A resolution of the Constitutional Society of October 28th last was read, to send delegates to the Convention at Edinburgh, and their choice of Mr. York and Mr. Sinclair to that office, together with the original instructions. There were two minutes of these instructions; the first, that the delegates should assist in forwarding any petition to the House of Common, to enquire into the state of said House, and requre a Reform of Parliament. It was afterwards altered to instructions, that they should assist generally in any constitutional mode of procuring a reform. That they also demand annual Parliaments, general suffrage, and the right of the People to frequent reforms, &c. &c.

Mr. *Adams*, their secretary, proved these instructions.

It turned out, that they allowed the Delegates seven guineas for travelling, and three guineas a week during their continuance in that office. Resolutions of the 17th of January, 1794, which were mentioned in the Attorney General's speech of yesterday, and appeared in this paper, were read: That law ceases to be an object of obedience as soon as it becomes an instrument of oppression, &c.

In a sitting of the 24th of January, they resolved that the excellent address of the London Corresponding Society should be inserted in their books, and the King's Speech to his Parliament should be printed under it, and that 40,000 copies of them should be printed on one sheet of paper.

On the 11th of April, in conference with some Members of the London Corresponding Society, it was resolved, that it was necessary to hold a Congress of Delegates from the People, for forwarding which they passed some regulations.

He then went on to read their subsequent proceedings, their consolatory address to Skirving, Muir, and Palmer, and the very eloquent answers returned by those Gentlemen.

The last paper read, was their Anniversary Meeting at the Crown and Anchor on the 2d of May, John Wharton, Esq. M. P. in the Chair.

Amongst other things were mentioned, that they played *Ca Ira*, the *Marsellois*, and other patriotic music, and drank several patriotic toasts.

When the first of this account was read they were proceeding also to read the songs, which Mr. GARROW said he would not trouble the Court with.

Mr. ERSKINE thought, that, after the fatigues of the day, it was but fair that they should *have a song*.

Mr. GARROW said he had no objection—it was not from any reluctance that he proposed omitting them, but to save the time of the Court. The song, however, was not sang.

Amongst the Toasts were—

"1. The Rights of Man; and may Britons never want spirit to assert them."

"2. The British Convention, lately held at Edinburgh; and success to the important object it had in view."

"3. Citizen William Skirving, charged by the

sentence of the Court of Justiciary, with the honour of being the cause of calling that Convention."

"4. The London Corresponding Society, and other Patriotic Societies of GreatBritain and Ireland."

"5. Citizen Maurice Margarot, the condemned Delegate of this Society, and may his manly and patriotic conduct be rewarded by the attention of the People."

"6. Citizen Joseph Gerald, the other Delegate of this Society, now under persecution; and may his concluding sentiment be engraved upon every British heart."

"7. The transactions at Toulon. May Britons remember them as they ought, and profit by dear-bought experience."

"8. Citizen Hamilton Rohan, and the other true Patriots of Ireland; and may the Author of the Convention Bill find that they have committed a Bull."

"9. Citizens Muir and Palmer. May their sentence be speedily reversed, and Botany Bay be peopled with a colony of real criminals."

"10. Success to the Arms of Freedom against whomsoever directed; and confusion to despots with whomsoever allied."

"11. All that is good in every Constitution; and may we never be superstitious enough to reverence in any that which is good for nothing."

"12. Citizen Thomas Paine; may his virtues rise superior to calumny and suspicion, and his name still be dear to Britons."

"13. Lord Loughborough, the Earl of Moira, Sir Gilbert Elliot, and the other Apostates from Liberty; and may they enjoy the profits of their Apostacy so long as they live."

"14. A speedy and honourable Peace with the brave Republic of France."

"15. The starving Manufacturers and neglected Peasantry of Great Britain and Ireland."

"16. Citizen John Frost; and a speedy restoration of that health which he lost in the dungeons of Newgate."

"17. The virtuous and spirited citizens now in confinement for matters of opinion; and may we shew them by our conduct, that they are not forgotten."

The proceedings were read in the detail, but for the particulars we refer our readers to the Reports of the Secret Committee of the House of Commons.

Here the written evidence being concluded, the LORD PRESIDENT, in order to make an arrangement for the hour of meeting next day, proposed to give Mr. ERSKINE an hour to prepare himself, telling the Jury at the same time that he was sorry for the fatigue they endured, and to be under the necessity of consigning them to the same situation they were in last night, as it appeared impossible to bring the trial to as speedy a conclusion as he desired.

One of the Jurors then addressed him, and acknowledging how sensible he and his colleagues were of their Lordships goodness represented, that if they were exposed to the same severity this night, as they were the preceding, there would be some of them in a condition which would disable them from attending to-morrow. He was himself a strong hearty man, but was not prepared to undergo a repetition of last night's rigor. They had been now 42 hours without taking off their cloaths, and during the night had neither fire nor candle-light, obliged to stretch in their cloaths upon hard and damp mattrasses; in point of heat they had better remain in their box, no person was permitted to attend, or even speak to them, so that they must appear perfectly squalid; even a *razor*, he declared, he could not obtain, if he wished—*to cut his throat with it.*

Mr. ERSKINE here thought it right to make a few observations. It was evident that there were no accommodations in that place by any means fit for the reception of the Jury. Standing there as the representative of the unfortunate prisoner at the bar, he was willing to express every readiness to agree, if the Court should think fit, that the Gentlemen should return to their own houses, pledging their honor to what they may be relied upon to do, without giving such a pledge—namely, not to converse, or suffer even to come within their reach, any person whatever that had the least concern with either party in this prosecution.

There was another circumstance also which induced him to desire that they may be allowed to refresh themselves, which was the deep attention which it would be necessary for them to pay to him, during the considerable length of time for which he should have occasion to address them. In order to render this address serviceable to his client, honourable to himself, and satisfactory to the Court and the Jury, he must claim all the attention which they could possibly bestow; and as sound attention depended upon the firmness of the mind, and that the mind took its tone from the health and vigor of the body, a state of lassitude was not that which they required upon such an occasion. The return of the Gentlemen, therefore, to their own houses, and their repose, was what was more desired than objected to on the part of the defence.

Mr. GARROW thought himself under the necessity of removing any impression which Mr. ERSKINE now, for the second time, might happen to make upon the minds of the Jury, as if the Counsel for the Crown had not the same reliance on the honour and probity of the Jury, as was expressed on the other side. He declared, however, that Mr. ERSKINE, or any other person, could not go a step beyond them in the most implicit confidence in the Jury, or in any wish to accommodate them, however irregular it may be, if it could be done with due observance of the law.

The labours of yesterday, however, could not greatly exhaust Mr. Erskine, though the uncommon exertions of the Attorney General had so fatigued him, that he was prevailed on to retire some time since. But even in the absence of the leader in this prosecution he would venture

to answer, that, provided the Court thought that conformably to law, they could indulge the Gentlemen of the Jury in the manner proposed, it should meet with no opposition on the part of the Crown.

Mr. ERSKINE was defending himself from any attempt to insinuate any thing to the jury against the disposition of the gentlemen on the other side, when he was interrupted by Mr. GARROW, who said he did not accuse him of it.

The LORD PRESIDENT said, that by these observations they only distressed the Court, by obliging them to repeat their refusal of an indulgence which they were desirous to grant, but found upon reflection that it was not in their power.

The Spokesman of the Jury again pressed very hard to be suffered to go home, as the consequence of a further detention in so severe a situation would lay some of them up to-morrow, not to speak of the desire they may have of experiencing once more the comforts of a clean shirt.

The LORD PRESIDENT asked if there was any house in the neighbourhood where they may all find beds, and be guarded by some of the Bailiffs of the court.

Mr. ERSKINE and some of the Jury mentioned the London Coffee-house.

Mr. GARROW hoped it would not be any prevention to their sleeping there, that the persons attending in behalf of the prosecution were stationed in that Coffee house; but he believed they occupied it so fully that beds could not be had in it.

Mr. ERSKINE then mentioned the York Hotel in Bridge-street, and a messenger was sent to know if they could be accommodated there.

The spokesman proposed a way to remedy all difficulties, which was—to let them go to their own houses: But to no purpose.

The Court then resumed the business of the arrangement for to-morrow, and in order to give Mr. Erskine time to consider of his address to the Jury, proposed again that they should meet an hour later.

Mr. ERSKINE represented that this was a very anamalous case, that he had all the business to class chronologically, which was the way he intended to take it, though the Counsel for the Crown took a different method; and some time would be consumed even in the mechanical part of this operation. He reminded them of the length of time expended by the ATTORNEY GENERAL in the opening; and the defence would be undoubtedly no less difficult and important: He said the Court would save much time by enabling him to proceed in the order he intended to do.

A pause then ensued, during which Mr. Erskine proposed, that the Jury should be taken to the Hummums, where he was informed they might all go to bed in a moment.

The LORD PRESIDENT said, certainly the prisoner and his counsel were entitled to every necessary indulgence, and, if the trial was likely to terminate to-morrow, the Court would allow him two hours in the morning to prepare himself.

Mr. ERSKINE said there was not the most distant chance of its being at an end to-morrow.

The PRESIDENT agreed that they should go attended by three bailiffs.

The spokesman said they were better known in the city, and doubted whether they would be taken in at the Hummums if the *bailiffs* were with them.

To remove this objection, Sheriff CROWDER offered to accompany them to the house himself, where they were directed to go in three coaches, four in each coach.

One of the Jurors borrowed of a Gentleman in the Court, a servant to attend them, whom the PRESIDENT ordered to be sworn in; and said, that if a *razor* crept in amongst them, it would be no mortal offence.

It was agreed upon, that the Court should meet at ELEVEN o'clock To-morrow and at a QUARTER AFTER ONE it adjourned.

End of the Third Day.----To be continued Daily.

TRIALS FOR HIGH TREASON.

TRIAL OF THOMAS HARDY FOR HIGH TREASON.

OLD BAILEY, THURSDAY, OCTOBER, 30.

FOURTH DAY.

AT Eleven o'Clock this morning the Court was resumed, and the names of the Jurymen called over, to which they respectively answered.

The ATTORNEY GENERAL said, that he should proceed to prove the appointment of the Prisoner, Margarot, Martin, Baxter, Vaughan, Richter, and Thelwall, as delegates from different divisions of the London Corresponding Society, to form a code of laws for the whole body, on the 13th of April, 1792; and this he meant to prove by the original documents, found in possession of the prisoner.

Gurnel and *Lauzun* said, these documents were seized by them among the papers of the Prisoner. They were then produced and read by the Clerk of the Arraigns, and contained minutes of the original election and appointments of these Gentlemen for that purpose, from the Divisions No. 7, 16, and 19, and the Delegation was called a Committee of Constitution.

The Report of this Committee of Constitution was then read from a copy originally printed for the use of the Members.

Jane Rickman said, that she was the wife of Thomas Clio Rickman, a Bookseller. She knew Thomas Paine, who lodged at her husband's, in June, 1792. The *Address* to the *Addressers* was a work she had sold frequently from her husband's shop. Paine told her, the profits of the larger pamphlet of this work was for him, that of the lesser for her husband. On saying that she thought two pamphlets handed to her were the same she had so sold,

Mr. ERSKINE said, that he should require the same proof of the identity of the work, as was required in prosecutions for libels. The Attorney General could not wish looser proof in a case of High Treason.

The ATTORNEY GENERAL. I wish no *loose* proof on this prosecution, but I am not prepared to admit the proposition advanced. I know not how I am to prove the identity of any work; for instance, Locke's Essay, in any other way than I am going to do this. To remove all objection at present, I will call the husband.

Thomas Clio Rickman. The books, he said, were printed in his name while he was out of town, in September 1792, and he was applied to to sell it, which he did. He sold many of them, and never heard of any other book of that name. He had not any doubt but that the pamphlets handed to him were the same that he sold. He had read the Address, and it was the same as the parts he looked into.

Mrs. *Rickman* was again called, and perceived some marks which she had made at the time in the pamphlets, and therefore knew them certainly to be the same.

Mr. ERSKINE. There is another consideration before the book is read. I wish to know how you make it evidence against the Defendant. The Rights of Man was evidence, because the Defendant circulated them.

The ATTORNEY GENERAL. Rickman and Paine are members of the London Corresponding Society, and it is proved that they published the two parts of the Rights of Man, a letter to the French, and to Mr. Dundas.

The LORD PRESIDENT. I do not see how facts so distinct can be evidence.

The ATTORNEY GENERAL. I will not insist on it, as I can prove parts of the work published in the Argus newspaper.

The LORD PRESIDENT. That circumstance will make the whole book evidence.

Mr. *Gurnel.* A letter from the Constitutional Society, at Sheffield, in Yorkshire, to Mr. Hardy, was shown him, which he said he found among the Prisoner's papers. It was as follows:

"*Sheffield, April* 24, 1794.

"FELLOW CITIZENS,

"The barefaced aristocracy of the present Administration has made it necessary that we should be prepared to act on the defensive against any attack they command their newly-armed minions to make upon us. A plan has been hit upon; and if encouraged sufficiently will, no doubt, have the effect of furnishing a quantity of pikes to the patriots; great enough to make them formidable. The blades are made of steel, tempered and polished after an improved form. They may be fixed into any shafts, but fir ones are recommended, of the girth of the accompanying hoops at the top end, and about an inch more at the bottom. The blades and hoops, more than which cannot be properly sent to any great distance, will be charged one shilling, Money to be sent with the order. As the institution is in its infancy, immediate encouragement is necessary.

Struck through in the original. "*Orders may be sent to the Secretary of the Sheffield Constitutional Society.*

"Signed

"To prevent post suspicion, direct to Mr. Robert Moody at Sheffield."

Another was produced, directed to the Secretary of the Norwich Patriotic Society, and inclosed in the above. It was as follows:

"FELLOW CITIZEN,

"The barefaced aristocracy of the present Administration has made it necessary to prepare to act upon the defensive, in case of any attack upon the patriots.

"A plan has been formed for carrying into effect this necessary business. Pike blades are made with hoops for the shafts to fit the top ends; the bottom end of the shafts should be about an inch thicker; and fir is recommended for the shafts, selected by persons who are judges of wood. The blades and hoops will be sold at the rate of one shilling, properly tempered and polished. The money sent with the orders.

"Signed.

"Direct to Mr. Robert Moody at Sheffield."

William Camage said that he was a Member of the Society for Constitutional Information at Sheffield, of which he was Secretary, till the latter end of May, 1793. He signed letters, but a Committee managed the affairs of the Society, composed of David Martin, John Holcroft, George Widdeson, and Matthew Campbel Brown. The avowed object was first a Parliamentary Reform, and it so continued. He remained a Member after he ceased to be Secretary. They had a Delegate to the Scotch Convention, who was Brown. He himself too went to that Meeting, and carried Brown a supply of cash; 10l. from Sheffield, and 10l. from Leeds. Gailes, a printer at Sheffield, he knew, and Henry York. The latter used to exhort at the meetings of the Society. Arms, he never heard him mention in public. At first they thought of applying to Parliament for a Parliamentary Reform; but no specific plan was ever pointed out to obtain it. In private, he had heard York say, that the Society should be armed to protect itself, which he understood to allude to the threats, that the people of Sheffield meant to disperse the Society when it met. He had seen the blade of a pike made by one Hill, which was approved of by York, for the purpose of arming. Others had been shewn him which he did not approve of. In all he had seen about three dozen of these. He knew Widdeson, and had seen handles for the pikes. They met to talk about this business, and see the instruments at night, and it was always at private apartments.

He recollected, that at the Meeting on Castle-hill near Sheffield, York strongly recommended in his Address not to petition Parliament for a Reform, in consequence of which, a Resolution was come to by the Society to that effect. York, at that time, recommended an Address to the Nation, and after the Meeting was over was drawn home in a carriage by the populace. He, the witness, had never heard him talk of a Convention, but had heard him disapprove of the Scotch Convention, assigning, as a reason, that the people were unprepared for it. They should first, he said, have brought out an Address to the People. The two letters to Hardy and the Norwich Society, he, the witness, had seen in Davison's possession, who came from Leeds to Sheffield. Robert Moody was the man who put handles to the pike blades, and was a carpenter by trade. The blades were ten inches long, the handles seven feet; the former were like a bayonet, fluted and sharp at the point. Davison and Gailes absconded from Sheffield before the witness was apprehended. He had seen the model of a night-cat, and had been told that it was to use against cavalry, having three sharp blades five or six inches long to lame them as they trod.

On being cross-examined by Mr. ERSKINE, he said, that a Parliamentary Reform was his only object in belonging to the Society, of which he was Secretary from its first institution in 1791, till May 1793. By that Reform, he meant a more equal Representation of the People in the House of Commons. He had no intention whatever against the King or House of Lords, and had no reason to think that the Society had. The change was sought for without any specific plan to obtain it. Had he had any idea of force being used, he would not have been a Member, or have continued so after that plan had been discovered. He had no conception that the Society or its objects affected the safety or honour of his Majesty, or that the Scotch Convention meant to assume the power of the King or Parliament, but that they meant to petition by numbers for a Reform, thinking that it would be more effectual than the petition of a few. He professed himself a friend to the English Constitution in its purity, and that he had no wish to introduce the misery and desolation of France into this kingdom, or to bring

down ruin on our Royal Family. He was afraid, and the Society, of the persecution of the people of Sheffield, who were averse to them. He considered all they did as legal, and the pikes and cats he never thought intended against the King or Government. By the Bill of Rights, he conceived, he had a right to have arms individually and collectively for their defence.

The ATTORNEY GENERAL. Who told you that the Bill of Rights permitted you to have arms?

A. Mr. York. I never conceived that they were to support a Convention; but that what I contended for would make the King's title more secure.

Q. Why were pikes chosen? A. For cheapness.

Q. Did you ever hear of night-cats being used? A. Yes; at Newcastle many years ago.

Q. You say you expected to oppose the people of Sheffield only. Why, therefore, was the arms provided for London, as Davison's letter mentions? A. Davison might think them necessary for the Society in London as well as here.

Q. If meant only to oppose the opposite party of town's people, what signification had the words *barefaced aristocracy of Ministers* in the letter? A. It alluded to the opposite party.

Q. Were night-cats too, to be used against the opposite party, in that sense town's people? A. I know of none that were made.

William Broomhead said, that he was a cutler in Sheffield, and a member of the Constitutional Society there, which he considered as acting in conjunction with the Constitutional Society of London, with which a regular correspondence was kept up. He was Secretary to it five months, previous to his apprehension in May last. The object was a Parliamentary Reform by means of meeting to enlighten themselves and the people. He understood the meaning of universal suffrage, but did not hear it talked of till the Scotch Convention met, to which the Society delegated a member. He knew Henry York, alias Redhead, at Sheffield. York was not a settled inhabitant, but a visitor of tae Society, respected highly as a man of talents and a great orator, who used to harangue and write pamphlets. The Society met in the witness's house where a place of elevation was made for speakers. Some called it pulpit, others a *tribune*. At the Castle-hill Meeting, York addressed the assembly with a book of Mr. Locke's in his hand, from which, as his text, he expatiated on the corruption of Government. Mr. York from his zealous mode of speaking sometimes used to go further than the witness approved of; his manner was always energetic and violent. At this meeting it was previously settled by York, Gailes, himself, and another, that he the witness should make a motion at the meeting to petition Parliament for a Reform, in order that the motion might be rejected, and another substituted in its stead.

This was accordingly done; York opposed it, and made another to petition the King, the first was unsupported, and received with murmurs; the last was carried, drawn up, signed, and transmitted to Lord Stanhope, who, however, declined presenting it to the King, in the form which it was sent up in. A few days after this meeting, York published the speech he made. This was dispersed about, and many sent up to Hardy for the same purpose. He had heard talk, in common with others, of arming the Society; and that arms were in preparation for them.

This arose in consequence of furious handbills dispersed about the town, in his opinion, calculated to draw the Society into some act of violence. Procuring arms was accordingly talked of generaly in the Society, and pikes were mentioned. A model of a night-cat, he also saw, which stood on three legs, always presenting upwards a sharp point, three inches long; and it was thrown on the floor, but no account of its use was given. He regarded it as a plaything, and never heard about Newcastle or cavalry. Among other violent expressions of York, in which he went too far, he recollected his saying to the Society, that the people of England were in so low and despicable a situation, that rather than submit to it, he would go up to London with all the Society. The witness said, as he feared God and honoured the King, this alarmed him. He was present at the keeping of the Fast day, in 1794, for which the Society received the thanks of the London Corresponding Society.

An account of the Fast, which was kept on an eminence at Sheffield, near Westgate, was published. A pamphlet was produced, which he said was that account, and some other papers which he knew at Sheffield.

Mr. *Lauzun* proved the seizing of them among the prisoner's papers—namely, a Prayer, a Serious Lecture, an Address to the British Nation, the Account of the Fast-day, as observed at Sheffield, and an Address to the King, in mitigation of the late Scotch sentences for Sedition; all of which were read by the Clerk of the Arraigns.

Read an address to the British Nation.—In which we find a resolution that the framers of that Address will never more petition Parliament upon the subject of reform. They think themselves entitled to consideration from their numbers.

In p. 34. They say we never expected placemen and pensioners to listen to our Petition. They objected to a just and proper request, that it was not couched in language sufficiently courtly. Either they are our representatives, and therefore are bound to listen to the wishes of the people, or they are not, in which case we have nothing to do with them. The petition was thrown out by a majority of 79.—We our-

selves are plain men, we love plain dealing and detest hypocrisy in others.—We will seek redress some other way—we shall trouble them no more. We must proceed as we have done, to enlighten the people—until a complete revolution in the popular sentiment bursts majestically, like the thunder from mount Sinai too terrible to be longer withstood.

Brumet sworn.

His evidence turned out to be as follows:—He was asked as to the substance of a handbill, what was its purport? To call the people to arm against their foreign and internal enemies: it stated that riot was absolutely necessary—there had been riots in the market-place; this handbill was the cause why arms were provided: they never had the smallest intention to make any attack; the pikes were got in consequence of the handbill to defend themselves. The object of the Society there he stated to be Parliamentary Reform—that such a design as that of attacking the King he believed no member ever entertained, and he certainly did never entertain it himself; he conceived that all the grievances of which they complained would be done away by Reform in the Commons House, combining with the King and the House of Lords. He had not the vanity to think of altering the Government. Their objects it was never thought of obtaining otherways than by peaceable means. As to the intentions of a few bad men, he could not pretend to answer for them; but he understood the General Convention meant not to appeal to arms, but to effect their objects, by addressing the Nation and the Legislature.

Mr. GARROW questioned him about the letter in which the Sheffield Society disclaim all further connection with the Friends of the People. He was not present at the discussion. As to York he has seen him there. He was of opinion that the Society meant Reform by Constitutional means, although several people did not believe that they did. He stated that those who provided arms did so through fear of illegal force. Asked as to whether he had expressed his fears to the Civil Power, to Mr. Wilkinson, or Mr. Apthorpe? He answered no; we did not any more than the opposite party. Resolutions to arm were taken, and repel any illegal assaults that might be made as they were threatened to be.

He acknowledged that York and Gailes were leading men, and as to their peculiar sentiments the Society passed them over—the General Assembly meant well. He remembered the petition to the King, in which Reform, and the Abolition of the Slave Trade kept company. The lecture that was read in the open air, he stated to be before the appearance of the handbill, at which Mr. GARROW much exulted.

When asked as to the desire for weapons in other parts of the kingdom, he said he knew nothing of the matter—When, whether Davison had sent them, he said if he did, it was without his knowledge.

The Court then heard the famous lecture in the Backfields, and the resolutions signed Camage which followed. This meeting was opened with prayer, and a hymn suitable to the occasion was sung. The resolutions are expressive of the despotism of courts to be prodigal of blood—Contrary to the principles of the Christian religion. That the war with France was one of the most diabolical kind, and the landing of the Hessian troops a matter of very suspicious appearance. It was high time to be upon their guard. Barracks were erecting all over the kingdom, and the next step might be the filling of them with foreign mercenaries. Their thanks and sympathy followed the patriots Muir, Skirving, and Margarot. And they voted their thanks to Sheridan for his eloquent speeches in the cause of freedom. They also most solemnly pledged themselves never to relinquish their objects until they should obtain a full and free Representation of the People.

The 1st page of Camage's Lecture was then read, with the quotation from the 18th chapter of 1 Kings.

Alexander sworn.

Examined by Mr. BEARCROFT.

He became a Member of the London Corresponding Society towards the end of the year 1793—he was of the division or district 29. They usually met, he said, at Robins's Coffee-house in Shire-lane, to the amount of 95 members. He knew York by sight—became a member while he was there. The room was full when York took his leave; there might be from 60 to 100 members in it. He left them, after making a long speech; said he was going to BEL—GI—UM; that a friend had written him a letter of invitation; that every thing would be ripe by Chrismas for a Revolution, and they wanted him to head them. He said, in his speech, that he hoped to return to London, at the head of those troops, and trusted he should find them ready all to join with him.

The witness was asked, whether York mentioned the King and Queen of France? He did not recollect what particular expressions he used, but he understood him to have said, that they had their deserts. He said nothing about the war. But he applauded the bravery of the Sans Culottes. As to arms, he did not intimate what exactly was to be done; but he said without some bloodshed the grand object could not be obtained. He trusted he should see the heads of the King, and Pitt, his Minister, upon Temple Bar, when he returned: that they must all join him, and not (*scringe*), nor shrink from what they pretended to be.

He recommended, that the Society should provide themselves with pikes, the same as those of Sheffield. It was but living one day upon bread and cheese to purchase them. The So-

ciety unanimously applauded York, wished him success, and shook hands with him standing. He saw York no more. He went to Mr. Dundas's Office—to the Lord Mayor (Sir J. Sanderson): He thought it proper to let them know what was going forward. He said he knew Smith, a delegate, had been only seven times in the Society.

The cross-examination of this witness produced the most extraordinary testimony that was ever known—his ignorance was extreme.

He did not go to the Society for the purpose of becoming a Member. A friend of his, WHITEALL, asked him to go to a club, and he went from curiosity — York was not there then—there were of persons he knew, Smith, Ashley, and Baxter—he said this was on a Tuesday—he did not know the time of the year—(he had said previously November)—he heard nothing that was offensive that night—papers were read, of whose contents he heard nothing—Members were admitted, and not knowing why he did so, nor the objects of the Society, he himself became a Member.

He missed two or three of the weekly meetings. York was not there the second time he went—He spoke to Ashley—He was asked if he did not go there as a spy? No: not then. What did he go there for? Curiosity. What! had he no wish for reform? No: none at all. Had he been desired to go? No: But he here heard something he disapproved; he thought there was danger, and meant to be serviceable to his King and Country. So you pretended to be a friend, and went after as a spy? No minutes, however, were suffered to be taken.—On the third time of his going pikes were not mentioned. He went twice more after he had been with Mr. Dundas.—He was asked who, in particular, shook hands with York? He did not know. Where Yorke was going? He informed them Belgi-um, or Belgi-am, for he never heard the name before. He said of himself that he was a linen-draper, who was without a situation. Mr. ERSKINE told him he was in a very singular situation. In May last he was employed at Mr. Killowby's, No. 14, Finsbury Place. He had been a shopman at Holborn-bridge two years nearly.

He had been applying to several people for employment—to Twining and James, and to Marley, at Holborn-bridge; he had been engaged by the latter, as shopman, upon his commencing business on the 22d Sept. at 25l. per year; he left him last Friday. Why? Because Mr. Wood had subpœned him upon the present trial. And so you left your situation, because you were wanted half an hour at the Old Bailey, and your master living only in Holborn; what reason did you assign for leaving him? I said, I was going out of town; I thought I was to be sent to Sheffield, as soon as this was over, after York. Who told you that you would be wanted upon that employment, after you had done this job? Mr. White informed him, he might be wanted. Where did you live before you lived with Falding? I lived with Smith in Cheapside eighteen months, about four or five years ago; then I went o see my friends. What friends? An aunt, named Alexander, who lived at Wishford, six miles from Salisbury; there he staid 11 months; then I came to town, and lived with another aunt in Old Bethlem, the other side of Moorfields, this lady's name was Simpson; he resided there up to the time he went to Falding's.

How long since you lived with Smith—near five years. He left him for words, but did not recollect them—What was the quarrel about? He could not remember the subject. The ATTORNEY GENERAL objected to Mr. ERSKINE's pressing the witness.

Mr. ERSKINE, with that glorious zeal he always feels for a prisoner, replied, that in a case where the life of an unfortunate man was at stake, he could not but press him—He demanded that there should be fair play on both sides.

This produced a question, whether by fair play on both sides the Court was meant? Mr. ERSKINE disclaimed this application. He meant by both sides, the witness, and the prisoner. At length by pressing him, he found the cause of quarrel to be a dispute between him and another shopman, who wanted to be the *head*, and the witness had resolved not to be put upon. He believed he was hot. They called each other fools; and blows he thought passed on both sides. The antagonist of this brother of the yard was named Williams. He has seen Smith but once since he left him.

Mr. ERSKINE drew him now to the 3d time he visited the Corresponding Society. He staid there from 8 o'clock until 11 or 12; he recollected not a syllable except when he saw York. They were admitting Members every night. He went the 4th time, and then he recollected nothing. He went the 5th night, he has seen York three times; on that night York had been to see Frost; he said there had been words with Mr. Kirby, and a stick been struck through a window; a person then mentioned pikes, but it was not York, but somebody from Sheffield; the defeats of our armies were often mentioned.

The extraordinary nature of a memory that could retain not a syllable four nights out of seven, drew from the Defendant's Counsel many a severe rebuke, and many a meaning injunction to look steadfastly upon the Jury.

Thomas Whiteall sworn.

He was shopman to a bookseller; he had lived with Mr. Owen, and went from him to Mr. Baxter, at No. 81, in the Strand. He became a member of the Society at the latter end of the year 1793; he went the first time with Alexder; saw York but once, and went himself once or twice; after which he discontinued it, as it interfered with his business, and was in-

convenient on account of situation—never conversed with Alexander upon the subject, and became acquainted with him at Holborn-Bridge. York, he said, seemed to be very well known at the Society. He went away, and left him speaking; but knows nothing of the substance of his speech.

George Widdeson sworn.

He is a hairdresser and turner at Sheffield—became a member of the Society there two years ago. Their meetings were pretty full, about 200 persons. He knew York by sight, he was usually in the chair—Gailes and Martin were also leading men. At the meeting of the Friends of Freedom, which was at the Barrel, he saw York, who seemed rather in liquor: Saw him also at Castle-hill about twelve months ago. Brown, the delegate, he described as an attorney at the time he entered the Society—before this he had been a player. He saw York about March or April in the year 1794, when he lived at Cawthorne's. He heard first about arms in April—when he made for Gailes a dozen pike-shafts. York knew of this. He made about a dozen and a half, when the magistrate seized the whole in his house. He was to have one himself. He was asked what he purposed? To act with it in his own defence. His idea of reform in Parliament is universal suffrage—that was the idea of the Society. Some few weeks before York left them, he saw cause to disagree with the Society. He thought the plan they were upon wrong, and feared they were going too far. He remonstrated with Gailes, who coolly told him, that if they differed in opinion, he had better give it up.

After this he had not much communication with them. He remembers the meeting in the open ar He saw York and Gailes; he was not paid for the shafts; he made them for sale; nobody ever bought one. Davison was a customer in the hair-dressing way. He made the shafts, because he was told, that the people began to call out for arms.

Mr. ERSKINE cross-examined him. He had been two years a Member, and was himself a friend to the King and Queen. The Members of the Society in general loved the King. He should not have continued there two years, unless he had believed this. Their idea of Reform was universal suffrage, as in the Duke of Richmond's plan, and annual Parliaments. The letter to Sharman had been often read. He remembered the quotation to this effect, which Mr. ERSKINE read; upon some observations here as to the consistency of universal suffrage, with his other Constitutional attachments, Mr. Erskine quickly remarked, that about their being compatible, there were very great differences of opinion.

He never had an idea of accomplishing the object of reform by arms, and was satisfied the major part of the Society were of his opinion. They meant to address in the general Convention of Delegates the Nation and the Parliament. Never to assume by any means the functions of Parliament—he would not have assented to their plans if such had been their tendency. He thought the safety of the King inseparable from the freedom of the People. He has frequently been threatened because he was a member of the Society. And the opposite party accused them of inclining, in case of invasion, to join the French. —He himself had been assaulted and put in fear of his life, and houses had been fired into through the doors. He never meant to arm against Magistracy, but to resist the attacks of illegal mobs. He had seen York three or four times, and then he conducted himfelf with propriety; but at the last meeting he thought him not so sober as usual, and he spoke rather warmly.

The Crown Lawyers here remarked upon the circumstance of persons voting thanks to Paine, and yet being attached to the King and Constitution.

The next witness was ——— who made the heads of the pikes. He made the blades to a pattern given by Davison in April; he received orders to make 120 or 130 of them, and he took them to Camage's house; he shewed York the blades, who appeared to be so overjoyed, that he did not say any thing. He saw a pike mounted about a fortnight after; he had two-pence a-piece for workmanship, and the price of the iron. He was given to understand there would be a demand for pikes at London as well as Sheffield. Davison fled from Sheffield about the middle of May.

Upon his cross examination by Mr. GIBBS, he disclaimed, for his own part and those with whom he was connected, any design to displace the KING, and spoke of their intended reform precisely as others had previously done, and which, therefore, we omit. He gave the same reason for the adoption of arms, which others had done.

Mr. LAW asked, whether he had represented his fears of attack to the Civil Power—he had not—and the witness was not present at the time when thanks were voted to Paine.

Robert Moody—examined by Mr. GARROW.

Robert Moody was sworn. On being asked for what purpose the *pikes*, &c. were given to certain people of Sheffield, said, that they were designed for *self-defence*; that they meant to resist the dragoons in the neighbourhood, if attacked; that he saw an instrument called the *cat*, which he learnt was to prevent horses from acting in the streets or lanes; but that as to the particular design of these measures, he had not derived his information from any Member of the Sheffield Society, nor from the Prisoner.

A *pike* was then produced, which was identified by the witness, as the form which had been approved.

Mr. ERSKINE cross-examined the witness respecting the time he had been a Member of the Society, and other particulars, which he answered in substance as follows:—

Robert Moody—That he had been a member till taken into custody; that he never heard any syllable uttered against the King or country; that if the wicked design had been brought forward to attack either, he would have opposed it; that he believed the King was a very good man, consequently would not have been concerned in any measure prejudicial to him; and that he had made two dozen and nine or ten pikes.

On being interrogated respecting the *cat*, or instrument to prevent the acting of the horses in streets, or lanes,

Robert Moody believed, that the *cat*, or instrument alluded to, would prevent horses from acting.

[It is said to be of a globular form, containing on the outside pikes in all directions, so as totally to disable the horses when they trample upon it.]

The Court for the purpose of refreshment adjourned about an hour.

At Eight o'Clock the proceedings were resumed, when Mr. GARROW called upon

John Edwards, a Member of the London Corresponding Society. The witness said, that he knew the prisoner *Thomas Hardy*; that he recollects certain orders for Sheffield respecting pikes in April last; that hearing a letter was about to be sent thither, he wished to inclose a few lines to learn who would undertake to forge the blades of pikes; that he remembers afterwards reading a letter to Mr. *Hardy*, which letter the witness had received from Sheffield, explanatory of a plan formed there for pikes; that he had also communicated the particulars of that plan to Spence, Barks, Hillier, and others; that he had proposed the adoption of a similar one in London; that each Member who wished to have a pike, was to pay one shilling for it.

Mr. GARROW. Do you recollect of any place in the Borough occupied to learn the use of the musket, &c.?

John Edwards answered, that he had heard of such a place, but did not know the particular spot; that he knew of no subscription for the furnishing of fire-arms; that he had been acquainted with Higgins and Goodwin, who were Members; that he believed the Society in the Borough had been initiated in the use of muskets, but that he never had attended any of their meetings; that he did not know Bandy Legged Walk (which Mr. GARROW mentioned as the place of their meeting); that he believed Franklow was a member of the London Corresponding Society, but that he did not belong to his division; and that he himself remained a member till taken into custody.

Mr. ERSKINE objected, at this time, to what might be stated as having fallen from Higgins, Goodwin, or Franklow.

Mr. GARROW persisted in his interrogatories to which the Court acquiesced.

Edwards, the witness, then proceeded by saying, that he understood there was a Corps called the *Lambeth Loyal Association*, for the purpose of acquiring the use of the musket; that he could not tell what Franklow's Association was for; that they wore uniforms which consisted of a *blue coat* and a *red collar*, white breeches and waistcoat; that he saw Franklow in that dress at the anniversary dinner, at the Globe Tavern on the 20th of January last; that he knew the division number 20, which met at the Three Tuns, Snow-hill; that at one of the Meetings, which consisted of sixteen persons, he, the witness, proposed to form a corps similar to that of the Sheffield Association, which was unanimously refused; that this was long before the anniversary dinner now mentioned; that he afterwards suggested the formation of a Society like that of Franklow's, but that no person would support or join him; that some time after the Secret Committee was dissolved by consent; that Martin (attorney), Thelwall, Hodgson, and others, were Members of the Secret Committee; that they met at their own houses; that the Committee was instituted to receive and answer letters; and that these communications were kept a secret from the Society at large.

On being further interrogated, *Edwards* answered, that he was a Member of the Committee of Delegates, Compton-street; that the Meeting was transfered to Mr. Thelwall's, No. 2, Beaufort's-buildings; that he understood the Constitutional Society had deputed six persons, and that the Corresponding Society deputed five; that the Society to which he belonged added one; that thus six and six met to deliberate on particular measures; that he remembered a meeting for the purpose of presenting medals to the Jury who had acquitted *Eaton*; that he was present at the meeting at Chalk-Farm, which consisted of 2000 persons; that he first went to Store-street: that he had cards of admission at the Committee, Compton-street; that the reason of his going first to Store-street, was because a room had been there advertised for the meeting, that when he arrived at the latter place, he understood that Justice Addington had been there; that there was no other ceremony at Chalk Farm, but the transfer of the ticket; that one half of it was given to the person at the door, and that the other half was put in his hat; that Thelwall, Lovet, Moore, Richter, Blackman, and most Members were there; that Mr. Lovet took the chair; that he did not see Hardy, the Prisoner there; that he was in the Long-room with the ladies; that he knew Robins's Coffee-house, Shire-lane, where Division, No. 29, used to meet; that he had been there frequently; that he knew the matter of the paper now presented;

and that what he had seen was a different sized paper, and of a different date.

[Here a very short conversation took place between the Counsel respecting the propriety of such evidence.]

The paper now alluded to was read in Court, and, among other expressions, contained the subsequent words:—

On the 30th of January, 1794, will be presented,
A DRAMATIC ENTERTAINMENT,
Called
THE GUILLOTINE,
OR
GEORGE's HEAD IN A BASKET!
To which will be added,
THE PRINCE OF LEEKS!
Among other Actors, were
Mr. FOX, Mr. GREY,
Mr. SHERIDAN, Mr. ERSKINE.
(*Loud Laugh.*)
Chancellor of the Exchequer,
BILLY TAX LIGHT!
Between the Acts, a Song,
TWENTY MORE! KILL THEM!
To conclude with
GOD SHAVE GREAT GEORGE OUR
Vive la Liberte! Vive la Republique!

On being farther interrogated, Edwards affirmed, that he read this bill of entertainment in October, three months before the time appointed for the performance; that after the meeting at Chalk Farm the witness went to Compton-street, where he supped; that Mr. Thelwall was there; that he never received any information farther than what he has related respecting arming; that he knew Ashley, but never heard any thing from him detrimental to the Prisoner; that he was at the meeting at the Crown and Anchor on the 2d of May last; that he received his ticket from Mr. Joyce; that after the other dinner at the Globe Tavern, the address read in the morning was circulated in a printed handbill; that he recollects nothing started there respecting the Hessian troops; that he saw no political paper there about the *ins* and *outs*, but that he read one at the Three Tuns, Snow-Hill; that he never received any paper on that subject from Hodgson; that he had attended Thelwall's lecture; that the price of the pike was one shilling a blade as he had already stated; that the Friday previously to Hardy's being apprehended, there was to have been a meeting at Green-arbor-court, Old-Bailey, which was postponed; that while waiting, they first learnt that Hardy was apprehended; that each member summoned was to have deposited a shilling for his pike-blade; that the only blade at the meeting was that of the witness; that the shaft now in his hand (here the witness examined it) was that on which his blade had been fixed; that he had destroyed the blade, fearful lest it should be discovered in his possession; that he believed Hillier also had a pike similar to that which he had now described; and that he recollected a handbill for another dramatic entertainment, which he himself had suggested, called the *Taking of the Bastile, &c.*

Mr. ERSKINE cross-examined the witness, who answered, that he was by trade a silversmith; that he had made a pike for himself; that the only design which he had in the use of that instrument was to resist any *illegal* dispersion of their meeting; that Mr. York of Sheffield first communicated the idea of a pike; that this was at the time when the Hessian troops had landed in this country, without the consent of Parliament; and the witness solemnly declared, that neither he nor his associates had the most distant idea either of aiding or abetting a rebellion, or of exciting the people to oppose the Government.

Edwards further recapitulated, that the sole purpose of the pikes was to repel any attempt at an *illegal* dispersion of their Society, and that he was well grounded in apprehending such an attempt, because the Societies had been several times harassed by the Police Officers; that once when the Society to which he belonged was assailed by the officers, he well remembered that they were busily engaged in reading the celebrated ADDRESS of the Duke of RICHMOND and Mr. PITT in favour of Parliamentary Reform; and that he in his *conscience* knew these to be so many truths.

Mr. ERSKINE.—"I wish it to be understood that I am no advocate for the DUKE of RICHMOND's or Mr. PITT's *Conscience*!"

The LORD PRESIDENT.—"I think this levity unbecoming the dignity of the Court."

Mr. ERSKINE seemingly assented to what had fallen from the learned LORD PRESIDENT; but waxed warm and indignant on hearing

The ATTORNEY GENERAL say,—"I cannot sit in silence when the Court is harassed by such frivolous or flippant observations."

Mr. ERSKINE—"I must tell the learned Gentleman, that he uses language here which he dare not avow in any other place."

The ATTORNEY GENERAL—"The change of place or situation will never make me shrink from what I have advanced."

The LORD PRESIDENT—"I lament the intemperate language which has been used; and I am sorry to remark, that Mr. ERSKINE has betrayed an inclination to inflame rather than to conciliate the Gentlemen employed in the prosecution for the Crown. I hope, however, that all the learned Gentlemen will perceive how necessary it is for the dispatch of business to have a proper understanding on the occasion."

Edwards, the witness, being interrogated, said, that he was convinced no person meant to make any other use of the pikes than what he had stated as his own designs; that the Lambeth Loyal Association had been incorporated for that purpose: that he had always understood that Hardy, the Prisoner, had conducted himself in a very peaceable manner; that he never

heard him make use of any improper expressions; that he never heard him mention any thing about pikes; and that he had always understood that Hardy was an enemy to every kind of violence.

Mr. ERSKINE.—From whom did you first receive the *ridiculous* play-bill now brought forward?

The LORD PRESIDENT.—"*Ridiculous* play-bill! I think it is an *infamous* play-bill."

Mr. ERSKINE—"I agree cordially with your Lordship. It is a very *infamous* Bill! From whom did you receive it?"

Edwards—I saw it first in the possession of Baxter, whom I requested to procure me a copy.

Mr. ERSKINE—"Do you believe that *Hardy*, the prisoner, would have approved of such an *infamous* Bill?"

Edwards—"From what I know of *Hardy*, I am convinced that he would by no means approve or encourage the circulation of such a Bill."

Mr. GARROW.—Were not the pikes formed to oppose the landing of the *Hessian Butchers*, as they were called by certain men?

Edwards.—No.

Mr. GARROW.—Upon your oath, was your pike begun before that time, and for what purpose?

Edwards—All the allusion which I made to the Hessians was, that I had begun or finished my pike just at the time when the Hesssians had landed in this country without the consent of Parliament; and that this instrument had been formed to prevent any *illegal* dispersion of our Society.

Samuel Williams deposed, that he knew Hardy, the prisoner, to whom he applied for a Ticket for the Constitutional Dinner, but was refused, not being a Member. He then went to him and bespoke a pair of shoes, and afterwards a pair of boots, and by the introduction of a Mr. Franklow, was admitted a Member of the Society. He was soon appointed to instruct some five or six Members in the manual exercise, at Spence's house in Turnstile, by candle-light, up two pair of stairs. Hardy told him that Franklow intended to raise an armed society, and had the post of Serjeant Major, teaching his men himself their exercise at Lambeth. Williams supplied them with seven stand of arms, for which he was paid by Franklow. He said that the armed society at Lambeth was composed of different persons from those he saw at Spence's, and that they were to have 60 rammers and bayonets complete.

The Clerk then read the regulations by which they were to be organized. There was to be 1 Captain, 1 Lieutenant, 1 Ensign, a Serjeant Major, and 60 rank and file, a Fifer, Drummer, &c. &c.

He said that Franklow appeared in the Society with his military uniform; and that it was their avowed intention to obtain a Reform by force of arms, if not by fair means.

Mr. GIBBS submitted, that this evidence did not apply in the least to the prisoner Hardy. Where a set of men were joined in a conspiracy, all the parties were accountable for the conduct of any one of them, as far as regarded that same conspiracy; but here was a man, Franklow, who, though belonging to the Corresponding Society, was instituting another Society himself, unconnected, as far as the evidence went, with the matter of this charge. He did not alledge that Hardy either employed him or paid him in this transaction.

The LORD PRESIDENT said, that in this case some species of evidence may be admissible, which had no *immediate* relation to the prisoner.

Williams then proceeded to swear, that a Parliamentary Reform was not the general topic of conversation in their meeting; and that in Hardy's shop, and in his presence, he was consulted about drilling 1000 men, which he declined undertaking.

The LORD PRESIDENT observing, that there was nothing applicable to the present case in the evidence of this witness he was ordered to stand down.

—— *Sanderson* examined.

On the 2d of April last he went to *Shelmedy's* in the Borough, where there were seven or eight stand of arms and twenty-seven or twenty-eight men of the Corresponding Society, as he thinks, but knows that many of them were of that description. From the 11th of April to the 1st of May he attended at *St. James's* and the *shed* at Westminster, where he was drilled with others by *Williams*, *Franklow*, and *Augh*.

On the 2d of April he heard some Members declare, that a Parliamentary Reform must be carried at the point of the bayonet. In a division which met on May last, in Shire-lane, he heard a Member say mysteriously, that Pitt went over the bridge at twelve o'clock, but did not know what bridge was meant by it. Another announced the defeat of the British army as a piece of good news; and on hearing that one of the King's Messengers was killed, a third declared that he would rejoice in his fate, were it his own father or his brother.

In his cross-examination he acknowledged that he was a spy, but said he was led into the Society by means of a bet. He did not then know who used the expression of carrying Reform at the point of the bayonet. It happened in general conversation.

Edward Gosling examined.

He became a member of the London Corresponding Society in April 1794, in consequence of some seditious publications which he saw by them, and after a conversation upon the subject with Mr. Wickham, a Magistrate. When he was admitted on the 15th of April, at Clerkenwell, there were about 30 members present. It

was the day after the meeting at Chalk Farm. The members talked much of the fate of Charles I. and being, as he supposed, elated after the meeting, they also declared that the British Convention, like that of France, must be supported by arms. He went afterwards with Hillier, to visit Dr. Hodgson in Newgate, with whom he was before unacquainted, and there were a number of persons present. Hodgson asked him if he had seen the New Constitution of the Corresponding Society? and he replied that he had not, as he was a very young member. Lloyd, one of the prisoners then in Newgate, was of the party. One of the toasts given was

"The World a Republic or a Desart."

Hodgson said amongst other things, that he hoped soon to see a revolutionary tribunal established in this country.

The same evening, April 25, he went to meet the 11th division, where *Wright*, the delegate, said that he was provided with his arms, and so should the other members. *Gordon*, the secretary, who is since gone to America, assured the society that he was sorry to leave them at a time that they were about to act as well as think, and to regenerate their country.

He accompanied *Hilliers* to his own house, where he shewed him and others the drawings of pikes, knives, &c. which he said were the instruments soon to be made use of. He added, that the principal dependance of the Society was in seizing upon the persons of the Royal Family, and the Members of both Houses of Parliament, after which nothing was to be apprehended from the army, as they would have no leaders to refer to, and that they could not fail to be allured by the additional pay of eighteen-pence a-day instead of sixpence. One of the parties in this conversation was very much in liquor, but the rest were all perfectly sober.

At Hillier's house, on the 9th of May, he met with Hill, Bennet, and Baxter. The last said, that he had been with Mr. Joyce, Chaplain to Lord STANHOPE, who assured him, that though the Ministers had taken up Stone, he was a man of sufficient firmness to remove all apprehension. Baxter also said, that the Committee of Correspondence and Co-operation was drawing up an Address to the armies, accompanied by some strong resolutions; that a person of the name of Moore was particularly active and successful in gaining over the military: that of the old soldiers in Westminster one third was already gained, and the other two would not act against them. Baxter said, he was an officer, lately introduced to the QUEEN, who, in speaking of HER MAJESTY, used language which the witness could not repeat, and demanded why they did not send the whole family to the devil, or words to that effect.

One of them asked the witness if he would buy a pike? He answered that he would, if he knew how to make use of it. He then desired him to go to the sign of the Parrot in Green Arbour-court in the Old Bailey, and, using his name, ask for Mr. Edwards, who would come out, and not only furnish him with a pike, but also have him instructed in the use of it. He asked if a Reform could not be effected without coming to blows? Baxter replied, there is not a man in the Society who believes that a Parliamentary Reform is all we want; and without having recourse to the sanguinary measures of the French Revolution, may be brought about in a few hours. He did not wish the KING or any of the ROYAL FAMILY to be killed. They may be sent to Hanover; but at the same time some blood must unavoidably be shed, on account of the insults offered to the people, which human nature could not bear.

He said that the heads of many thousand pikes were manufacturing at Sheffield, but that the stocks would be made in town. That silence, however, should be observed in the divisions until the new Constitution should be established, as there were spies amongst them. A part of the plan was to set the French prisoners of war at liberty, and if the emigrants made any opposition, they should share the same fate, that the Swiss did in Paris. Mr. Pitt, Mr. Dundas, and Mr. Reeves were mentioned amongst the enemies of the people, whom it would be necessary to secure. The purport of the address to the army was to sow jealousies between the British Troops and the French Emigrants, to explain to them the severity of their treatment, and propose on the part of the societies more lenient usage, and to have their pay encreased to 1s. 6d. per day.

On May the 14th, he attended another meeting at Hillier's, but as that was subsequent to Hardy's being taken up, Mr. GARROW did not think the present was the properest time for offering it in evidence.

Cross Examined.

Is by profession in this business of an informer, and in the writing way; was a dealer in naval stores, but did say the direct contrary of this to Mr. Worship. Never said he lived by cheating the King; did not always go by his name; went by the name of Douglas ten years since, and was in that name a hair-dresser seven years in Petty France, No. 3; took the name from pride, his father being in the wig and shaving way, who kept several journeymen. *Played* the part of Douglas seven years; knew Mr. Lincoln, borrowed money of him (a twenty pound note) 4 or 5 years ago; and gave him a note in the name of G. Douglas, and paid part by himself and part by his wife.

Here the cross examination was interrupted by Mr. GARROW, who seeing or fancying that he saw Mr. Macnamara who sat not far distant from the prisoner, using some gestures to embarrass the witness, requested that he may be accommodated with a seat upon the bench if he could not be quiet.

Mr. *Macnamara* wished to know in what he was not quiet?

Mr. GARROW explained, that as he appeared to be communicating with the Counsel against the prosecution, it was right that he should do so in the full face of the Court, as the witness was already sufficiently agitated by the nature of the examination, without the intervention of a Gentleman of so much consideration, and once a Member of Parliament.

The witness then proceeded to state, that he told Worship he was a dealer in naval stores; because if he told him he was a Clerk he would not give him what he wanted, but did not speak against the King, or use inflammatory expressions in the Societies; swears positively that he never said why do not you arm? He knew a Mrs. Colman who rented a shop of him, died at his house and he buried her; she left a will, leaving her property to Burrows and Leech; don't know Mrs. Biffin; he hesitated to answer whether there was a complaint made against him respecting that will; Leech was a hair-dresser, and Burrows a relation; he (the witness) made the will; never heard that he was charged with having forged that will; knew Mr. Cox, a cheesemonger, with whom he dealt, for a shop his wife kept; never dealt in naval stores, though he did in paper stuff; did not say that he got things for a fifth of their value by feeing the keeper to underselling them; did not tell Hillier that he was in the habit of stealing; but whatever he told him was for the purpose of extracting information from him.

The points of character being discussed, Mr. ERSKINE, though he exerted great ingenuity, was not able to extract from him any observable variation in his first testimony.

Mr. GARROW, to explain the circumstances relative to the affair of Mr. Macnamara.—The prisoner gave the following account:—He gave a note to Mr. Lincoln for 10l. or ten guineas, of which there remained about four guineas due, and no demand was made upon him till the present prosecution was instituted. Mr. Macnamara met him at the London Coffee-house, told him he was a man of considerable property, and a friend to the Constitution; but that he would see justice done, and the debt owing to him would be spoken of in Court.

The witness said that he was a stranger to Mr. Macnamara, and that they were in an improper place for entering upon explanations. Mr. Macnamara used no other threat.

Mr. GARROW then asked him if he had been under any prosecution for the forgery of the will to which Mr. Erskine alluded? The prisoner answered in the negative.

Here the business concluded, the Jury again remitted to sleep at the Hummums, and at TWO O'CLOCK IN THE MORNING THE COURT ADJOURNED TO EIGHT.

End of the Fourth Day.----To be continued Daily.

TRIALS FOR HIGH TREASON.

TRIAL OF THOMAS HARDY FOR HIGH TREASON.

OLD BAILEY, FRIDAY, OCTOBER, 31.

FIFTH DAY.

AT nine o'clock this morning the Court resumed the proceedings in the usual form.

PRESENT,

Lord Chief Justice EYRE, President,
Chief Baron MACDONALD, | Judge BULLER,
Baron HOTHAM, | Judge GROSS,
The LORD MAYOR, &c.

Some Witnesses were called who could speak only of facts subsequent to the apprehension of the Prisoner; and therefore, from the rule laid down by the Court, could not be heard.

John Groves said, that he was present at the meeting of the London Corresponding Society, at the Globe Tavern, on the 20th of January 1794, and became a Member of the Society in February following, agreeably to the desire of a person high in office, in order to watch and report the proceedings which were taking place. On the 20th of January there were a great number of people assembled. Martin was in the Chair: the general language was such as indicated that *universal suffrage* and *annual Parliaments* were the objects of the Society; and the *means* by which those ends were to be obtained were by enlightening the minds of the lower orders of the people, that they might become acquainted with the natural rights of mankind.

Mr. GIBBS. Does not your Lordship think this evidence too loose for admission. It appears to be general hearsay, and no one is named as having spoken it.

The LORD PRESIDENT. If the witness recollects the names of those who held this language, he should mention them; but if he does not recollect them, that circumstance will invalidate the reports he heard.

John Groves. I do not recollect the names of those who made use of this language; but I am certain that it was the general voice. He farther said, that he had been present at Thelwall's Political Lectures, which consisted in violent abuse of Administration, ridicule of every branch of the Legislature, the King, Lords, and Commons, and exhortation to new model it by *universal suffrage* and *annual Parliaments*. He was present at the meeting at Chalk Farm, on the 14th of April 1794. Hardy was present, and Lovet in the chair. Several printed papers were handed about and addresses and letters read, among others one to the chairman of the Friends of the People, with the answer, which was received with general disapprobation *. Letters were likewise read from the Society to Gerald, Margarot, &c. convicted of sedition, encouraging them and professing the most unbounded approbation of their conduct.

"*At a* GENERAL MEETING *of the London Corresponding Society, held on the Green at Chalk Farm, on Monday the 14th of April*, 1794, J. LOVETT *in the Chair, the following Letter was read:*

* *To the* CHAIRMAN *of the* SOCIETY *of the* FRIENDS *of the* PEOPLE.

"SIR,

"At a crisis so important as the present, there needs no apology on the part of the *London Corresponding Society*, for addressing itself to all other associated Societies, who have in view the same object as themselves.

"To the '*Society of the Friends of the People*,' arguments are not wanting to shew the import-

ance of and absolute necessity of a full and fair representation of the People of Great Britain. *They* have investigated the subject for themselves; *they* have exposed to the world a series of plain and indisputable facts, which must excite in the mind of every man well disposed to his Country, apprehensions of alarm for the security of the few remaining vestiges of liberty, from which, as Britons, we derive consolation.

"Deeply impressed with considerations of this nature, the London Corresponding Society earnestly solicits, at this time, the concurrence and assistance of the *Society of the Friends of the People*, in assembling, as speedily as the nature of the business will admit, a Convention of the friends of freedom, for the purpose of obtaining, in a legal and constitutional method, a full and effectual representation.

"Our request is not made from the impressions of the moment, but after the maturest deliberations on the value and importance of the object for which we are contending, and of the difficulties we may expect from those whose present interests render them hostile to the welfare of their Country.

"The opposition of such persons is no small argument for the goodness of our cause, and their late conduct, when compared with their former professions, exhibits a depravity unparalleled, we trust, on the page of history.

"Under the auspices of apostate reformers, we have lately beheld serious and alarming encroachments on the liberties of the people.

"We have seen with indignation and horror men *legally* and *peaceably* assembled, dispersed by unconstitutional powers, and their papers seized.

"We have seen some of our most virtuous bretheren, whose only crime has been an imitation of Mr. Pitt and his associates, sentenced to fourteen years transporation, without the sanction of law, or even of precedent, of which number, one was held up in the British Parliament as *convicted* and *condemned*, before he was even put upon his trial.

"The insidious attempts also to introduce foreign troops into this Country, without the consent of Parliament, and the intended Bill to embody foreigners into his Majesty's service, are measures sufficiently calculated to awaken our fears for the existence even of the name of liberty. Nor can we overlook that part of the present system of corruption which maintains, out of the public plunder, a train of spies, more dangerous to society than so many assassins, whose avowed business is to destroy the friends of the Country one by one.

"These are grievances which demand immediate redress, and when added to those evils which are necessarily connected with every *partial* representation of the people, call for the strenuous exertions of every lover of his Country.

"But we are told, that the present is not the time for reform, and that innovation may introduce disturbance. Are those persons to judge of the proper time to make a reform, who exist only by corruption? Are the people of Britain to endure every thing without repining, without ardently seeking a radical reform, because disturbances *may* happen?—Have the enemies to reform told us whence these disturbances are to originate? Has a single overt act been committed by the friends to freedom? Have not all the riots, all the public disturbances, all the seditious assemblies, been excited by the enemies to reform? And do they mean to tell us, that they will still find other instruments for the wicked designs; that they have yet those who will act over again the outrages that have been perpetrated in some parts of Britain, and attempted in others?

"If such is the determination of those persons *hostile* to a *fair* representation, *let them look to the consequences*, but let them recollect that it has happened, and may happen again, that those who kindled the flames have perished by them.

"The friends to *reform* are friends to *peace*, their principles can be promoted only by peaceable means, they know of no other method of obtaining the object they desire. But they will not be alarmed by the threats of *venal apostates*; they will not draw back because they have seen some of their best friends doomed to exile; they will pursue the course in which they have began, and turn neither to the right nor to the left.

"Convinced, as the London Corresponding Society is, that there is no power which *ought*, so there is no power which *can* finally withstand the just and steady demands of a people resolved to be Free; they will, therefore, look with confidence to the *determination*, and they hope, to the *co-operation of the "Society of the Friends of the People,"* in the attainment of an object which involves the dearest interests of society.

"Convinced also that their intentions are of the purest kind, they will never stoop to answer the calumnies of their enemies; but will, at all times, and in all circumstances, endeavour, by firmness and perseverance, to deserve the countenance and approbation of the best friends of their country, *the friends of a fair representation of the people of Great Britain.*

"I am, Sir,

"For the London Corresponding Society,

THOMAS HARDY, Secretary."

April 4, 1794.

After this an Address was read to Joseph Gerald, their condemned Delegate, to whom they paid many encomiums, and declared they would never forget his name, his virtues, and his great example.

After which the following Resolutions were read:

It was also unanimously resolved, That the Committee of Correspondence be directed to convey the approbation of this Society.

I. To Archibald Hamilton Rowan, prisoner in the Newgate of the city of Dublin, for his unshaken attachment to the people, and for his spirited assertion of their rights.

II. To John Philpot Curran, for his admirable and energetic defence of A. H. Rowan, and the principles of liberty, as well as for his patriotic conduct in Parliament.

III. To the Society of United Irishmen in Dublin, and to exhort them to persevere in their exertions to obtain justice for the people of Ireland.

IV. To Skirving, Palmer, and Muir, suffering the same iniquitous sentences, and in the same cause with our Delegates.

V. To John Clark and Alexander Reid, for their so readily and disinterestedly giving bail for our Delegates, instigated thereto solely by their attachment to liberty, uninfluenced by any personal consideration.

VI. To Adam Gilles, Malcolm Laing, and James Gibson, for their able assistance given to Joseph Gerrald, at the bar of the High Court of Justiciary at Edinburgh.

VII. To felicitate Thomas Walker, of Manchester, and the people at large, on the event of his, as well as several other late trials, and on the developement of the infamy of a system of spies and informers.

VIII. To Sir Joseph Mawbey, for his manly conduct at the late surreptitious meeting held at Epsom, in Surry.

It was also unanimously resolved, That two hundred thousand copies of the proceedings and resolutions of this meeting be printed and published.

J. LOVETT, Chairman.
T. HARDY, Secretary.

Resolved,

That the thanks of this meeting be given to the Chairman, for his manly and impartial conduct this day.

T. HARDY, Secretary.

Two hundred thousand copies of these Resolutions and Addresses were ordered to be printed.

John Groves went to Chalk Farm with Thelwall, who told him that the meeting was originally appointed in Store-street, in order by the sudden change of place to elude the interference of the Magistrates. At Chalk Farm, Thelwall, Lovet, Richter, and Hodgson, were the principal speakers. There being a clamour that spies were among them, Thelwall declared that he was for admitting all of them, as the great numbers assembled would be no welcome news to Ministers. Hardy was there, but said only three words which were addressed to Richter, who, when reading some address, stopped to make his own remarks, Hardy then exclaimed, "Read and don't comment." From this meeting the witness adjourned to the meeting house of his own division, in the Society, in Compton-street, where the division supped. At this place Thelwall taking a pot of porter in his hand, skimmed the head, and said, *Thus would I serve all Kings*, or *thus all Kings should be served*; but which of the sentences he made use of he was not certain. After supper Thelwall gave as a toast, *The lamp-iron in Parliament-street*; and a member at the lower end of the room said, *May it be covered with the Treasury Bench.* Green, another member in the same division, told the witness that *Universal Suffrage* and *Annual Parliaments* were only *ladders* by which they meant to obtain their ends. This passed at another time, and when no other person was present.

When at Chalk Farm the witness was sitting under a shade, previous to the commencement of the business, when five or six of the members pulled out of their pockets each a knife, which exactly corresponded. They called them *Couteaus Sacré*. These were French knives with a spring to keep them open, and prevent their flying back.

Pierce, he recollected was one who, on that occasion, produced these instruments. The names of the others he could not recollect. One of them said they were bread and cheese knives, on which a general smile ensued. The witness then asked where they were to be had, and was told at Green's, a member of the Society, and a perfumer and hair-dresser in Orange street, Leicester Fields. In a few days afterwards he went there, to inquire for one. Green told him he had sold to the Society between two and three hundred of them; he then added, *speak low, as my wife is a damned aristocrat.*

When at Chalk Farm, Pierce told him that if a person *struck* with them, when open, they would not fly back; and a man from Sheffield said, they were bunglingly executed, and not so perfect as some of the same sort which were made at Sheffield.

When the Society was applied to for a subscription in favour of Dr. Hodgson, it was rejected on the ground of his violent conduct, and not belonging to the Society.

On the 25th of February, 1794, he was present at the meeting of the Division No. 2, to which he belonged, when an Address from Stockford was read. This was an Address to the Poor, entitled, *Rights of Swine.* It contained a plan of reducing the price of provisions to the value of labour. And, among other incitements, exclaimed, "Open your eyes, ye

poor of the nation, or in vain will your mouths and hands be open."

The Rights of Swine—An Address to the Poor.

Be careful to withhold
Your talons from the wretched and the bold;
Tempt not the brave and needy to despair,
For though your violence should leave them bare
Of gold and silver, swords and darts remain,
And will revenge the wrongs which they sustain;
The plunder'd still have arms.

STEP. JUV.

"Hard indeed must be the heart which is unaffected with the present distress experienced by the poor in general in this commercial nation. Thousands of honest and industrious people in Great Britain are literally starving for want of bread; and the cause invariably assigned is a stagnant commerce. My opinion on this subject will perhaps appear to some a strange phenomena---it is that a stagnant commerce is not the real cause of the want of the necessaries of life among the laborious poor. And I am confident, that while the 'earth yields her increase,' there is a method, founded on Justice and Reason, to prevent the poor from, wanting bread, be the state of trade whatever it may.

"In the first place, then, I will ask, What are the principal sources of human subsistence?---Certainly corn and grass. Corn is moulded into many shapes for the use of man, but chiefly into bread, which is the staff of life; and from grass we derive our flesh, milk, butter, cheese, &c. besides wool and leather, which I think, with the addition of coal, and a few other minerals, nearly make up the real necessaries of life.

"I ask again, then, who is so infatuated as to say, that the growing of corn or grass is dependent on, or connected with the prosperity or adversity of trade? Certainly (thank heaven!) they are not affected by the devouring sword or ruined commerce (except at the seat of war). Corn grows not in the loom, nor grass upon the anvil; why is it then that while there is plenty of bread the poor are starving? Is there not as much grain and grass in the Land as when the trade flourished? Suppose trade were to rise immediately to an amazing degree, would it make one grain of corn or blade of grass more? Certainly not. Why then, I ask again, are the Poor, who are the peculiar care of Him who delights to do his needy creatures good, not satisfied with the good of the Land?

"The following reasons are at least satisfactory to myself:---Because, in the time of national prosperity, house and land rent (consequently provisions) are always raised by the wealthy and voluptuous, till they are at last at par with high wages; but when War, or any other cause, has ruined or impeded commerce, and reduced wages, rents and provisions remain unabated. The poor callico-weavers, in the vicinity of Manchester, notoriously illustrate this argument, as they are now (they who can get any) working for fifty and sixty per cent. less wages than at this time two years back, and the necessaries of life are rather augmented in their prices than diminished!

"Hearken, O ye poor of the land! While great men have an unbounded power to raise their rents and your provisions, and, at the same time, an uncontrouled power to make War, and consequently to dry up or diminish the sources of your income, your subsistence will, at the best, be precarious, and your very existence often miserable!--- The present want of bread and butcher's meat amongst the poor is not owing to the want of grain or grass in the world nor, I presume, in this land, but owing to the price of it being excessively above the price of labour. When, therefore, the price of labour cannot be brought up to the rate of provisions, provisions should be reduced to the rate of labour. Till this is practicable the poor are miserable!

"During the last twenty years, mechanical wages have been varied according to circumstances several times, and not unusually, in some branches, twenty, thirty, forty, and even fifty per cent.—I mean on the lowering, as well as the rising side of the medium. But, with regard to land-rent, its variations have always been progressive: and to find a single instance to the contrary, would be almost, if not altogether impossible.

"It requires but little sagacity to see, that the Game Laws, Riot Act, laws against vagrants and felons, &c. &c. are made chiefly for the security of the rich against the depredations of the poor. But what security have the poor against the oppression and extortion of the rich? Certainly none at all. As every comfort of life is derived from land, and as the rich are proprietors thereof, it may in some sense be said, that they hold the Issues of life and death; and whilst they can, uninterruptedly, raise their rents without limitation or restraint, they have an alarming and unbounded power over not only the happiness, but even the lives of the great mass of the people—the poor.

"If, then, Statesmen have a right to advance their lands in times of prosperity, the poor ought to have a Parliament of their own chusing, invested with power to reduce them in days of adversity. This balance of power between the rich and the poor would be productive of a thousand times more consolation to this nation, than the chimerical nonsense of court jugglers "the balance of power in Europe." Nor can I imagine that any judicious person would call such a power in Parliament unjust or irrational, which, when exercised, could ruin none, but bless millions! If it would be cruel to make a Statesman of twenty thousand pounds per annum, live a year or two upon ten thousand pounds, how much more remorseless is it to make the Spitalfields and Norwich weavers, as well as some hundred thousands more, live upon nothing, or, what is little better, upon charity!!!---Besides, it is a curious truth, that the very superfluities which ruin hundreds of the voluptuous great, would render happy the innumerable unhappy part of mankind.

"Great God! What spectacle so affecting to a reflecting mind as Great Britain in her present state!---On the one hand, we see the impudent Nobles advertising their "grand dinners" in the very face of the hungry poor, whom they have ruined!!!---on the other hand, widows, orphans, and

others, are weeping, and often dying, for want of bread! What can be more odious in the sight of Heaven than feast and famine in the same nation? Yet this is literally the case in this kingdom at this moment, and not only in the nation, but in every town, in every street, yea, often under the same roof!

"Open your eyes, O ye poor of the land! In vain are your hands and your mouths open!---Do your not see how you are cajoled and degraded, by the paltry subscriptions made for you at different times and in various parts of the nation; which serve only to make your slavery more servile and base, and your misery of longer duration? I revere generous subscribers and collectors, but I scorn the means! Ye poor, take a farther look into your rights, and you will see, that, upon the principles of reason and justice, every peaceable and useful person has a right, yea, a "divine right," to be satisfied with the good of the land! Besides, is it not monstrously provoking to be robbed by wholesale, and relieved by retail! Look again, and you will see that public collections, subscriptions, and charities, are nothing more than the appendages of corruption, extortion and oppression! If the benevolent Father of the universe did not send amongst mankind provisions enough, and more than enough and running over, such is the waste of the great and the gluttonous, that many of you poor would get none at all! Say not, therefore, ye oppressed, "there is a famine, or scarcity of provisions in this land!" It would be false. The land contains plenty; and if provisions were (as they ought to be) reduced to your wages, you would enjoy your unquestionable right, a confortable sufficiency.

"But, besides the destruction of your trade, and the means of subsistence, you have the mortification to see your bread eaten by dragoon and hunting horses, spaniels, &c. and your parental, affectionate, loving, provident and tender guardians, can give you a good reason why---it is their own.

"Hearken! O ye poor of the land! Do you fret and whine at oppression?---"yes,"---"Then, as ye do, so did your fathers before your"---and, if you do no more, your children may whine after you! Awake! Arise! arm yourselves---with truth, justice and reason---lay siege to corruption; and your unity and invincibility shall teach your oppressors terrible things!---Purge the representation of your country---claim, as your unalienable right, universal suffrage, and annual Parliaments. And whenever you have the gratification to chuse a representative, let him be from the lower order of men, and he will know how to sympatize with you, and represent you in character.---Then, and not till then, shall you experience universal peace and incessant plenty.

A Friend to the Poor."

On the 2d of May the witness was present at the meeting of the Constitutional Society, at the Crown and Anchor. Hardy, the prisoner, on the day preceding, brought him a ticket, of the price of seven shillings and six-pence, for which he refused to receive any thing. About twenty of the Members of the London Corresponding Society attended. He recollected, that, on some intelligence being brought of the defeat of some part of the Allies by the French, that the news excited great joy, and general felicitation in the meeting. On entering the room a song was distributed, called the *Free Constitution*; and a paper, containing some Address, which he could not recollect, was also laid on each plate.

Mr. Wharton, the Member of Parliament, was in the chair. Of those present, he recollected Mr. Burchal, Horne Tooke, Frost, Thelwall, Richter, Lovet, and Pierce. As soon as the company entered, various French tunes were played, as *Ca Ira*, the *Marseillois March*, the *Carmagnol*, which produced the most unbounded applause he ever heard; every hand must have smarted in the room. After dinner Horne Took got up to address the meeting. He commenced by observing, that about one out of fifty in the meeting must be considered as spies, and to them therefore he meant to address himself. He begged the company, before he began, to take notice, that he was not in a state of inebriation: He had, he said, taken particular care to avoid it, knowing that he meant to address the meeting. He then commenced a long harangue, which, among other sentiments of the like sort, called both Houses of Parliament *a scoundrel sink of corruption*. There was a junction, he said, of scoundrel parties, for the purpose of destroying the rights and liberties of the country. He asked, if that *skip-jack* Jenkinson could be called one of the Hereditary Nobility. This infamous junction, he said, was made in order to amuse or abuse that poor man the King.—This address was received with great applause. Afterwards Horne Took sung a song, to the tune of "God save the King," but with different words.

Mr. Gibbs. What are you, Sir?

A. A conveyancer. Q. Nothing else? A. No.

Q. Are you not a Solicitor?

A. Not in the Court of Chancery.

Q. Come, come, Sir, you know what I mean, are you not an Old Bailey Solicitor?

A. Idid not understand that you meant to ask that, or I should not have hesitated a moment to say, yes; but I never brought an action in my life or defended one in any Court.

Mr. Law. In fact, an Old Bailey Solicitor is rather a nick-name than a proper title.

Mr. Gibbs. Did you attend the Meeting of the London Corresponding Society, for the first time on the 20th of Jan. 1794? A. Yes.

Q. What induced you to go there?

A. I was desired to go, that I might relate what passed.

Q. Who sent you there?

A. My Lord is it proper to answer that question; I have no objection to do it, if it be, as the person who sent me did not enjoin the least secrecy.

The Lord President. I think Mr. Gibbs that you have all the facts you want to know. He admits that he was sent there by a person

high in office, for the purpose of giving information. The disclosure of names may possibly lead to consequences, if not in this, in similar cases, that would be injurious to the state; and I therefore think that the question should not be asked.

Mr. GIBBS. What sort of connection have you, Sir, with this person who sent you?

A. A personal acquaintance, of long standing.

Q. You, Sir, being a spy, did you take any note of the names of those people who held the language you have described?

The LORD PRESIDENT. It is improper, Mr. GIBBS to give witness that title. If you think the facts will warrant it, the observation must be made afterwards to the Jury.

Q. Then, Sir, you, a Gentleman practising in the Old Bailey, went there for the purpose of giving evidence, and had not the precaution to take down one name of those from whom you heard all this conversation?

The LORD PRESIDENT. This, Mr. Gibbs, is matter of observation, and fitter for another period of the trial. You may probe a witness as to facts, but must forbear all comment in the cross-examination.

Mr. GIBBS sent for Mr. ERSKINE.

Mr. ERSKINE. My Lord, this latitude is allowed in the constant practice of the Court of King's Bench. The observation will be found to resolve itself into a question, though it has not the direct form. I can appeal to the recollection of Mr. Justice Buller, that the practice is so.

Judge BULLER. It is true, that on a cross-examination, there is a greater latitude allowed than when the examination is in chief. This latitude, however, has been increasing very much of late, and is frequently used beyond its proper extent. You may lead the witness by some general allusion, but you must not put the very words to him that you wish him to say.

Mr. GIBBS. I am satisfied, since the practice is allowed to have been so, to ascertain which I sent for Mr. Erskine.

The LORD PRESIDENT. I hope that it will be understood that I did not mean any thing personal to the Counsel I interrupted; or, that I should be capable of pressing on any Gentleman in the absence of his leading Counsel.

The ATTORNEY GENERAL. If I have in the course of the trial said any thing to offend the Gentleman interrupted, I am certain that I have offended one of the most respectable Members of our profession.

Groves, in the course of his further cross-examination, said, that he could not recollect who talked of Annual Parliaments or Universal Suffrage, the conversation was general, and he took no notice of particular people. When the cry of Spies was raised at Chalk Farm, he joined in it, and pointed out one person, who, he said, was paid by Government; but then, he said, the person was already suspected, and if he had not joined in the cry, the suspicion would have extended to him. Horne Took always, he said, spoke highly of the Hereditary Nobility as contrasted to the New, whom he called adventurers introduced by the corruption of the House of Commons. This latter class of Nobility had entirely destroyed the weight of the ancient Hereditary Nobility of the Country, as well as the due influence of the Crown. He never heard him use any disrespectful words against the King.

Gurnel was called to prove the finding of a political song set to the tune of the Vicar of Bray among the Prisoner's papers.

John Thompson, a King's Messenger, said that he had found a finished pike, which he produced, in the apartments of Hillier.

Camage was asked if he had seen a French knife, similar to those described by Groves, in possession of Margarot at Edinburgh. He said that he had.

James Lynam deposed, That he became a Member of the London Corresponding Society in October, 1792, and belonged to the Division, No. 12, which met at the sign of the Mansion-house. October 29, he was at the Division, No. 2, to which Hardy belonged; at this Meeting, Paine's Address to the French nation, with his Rights of Man, were voted to be published and delivered about to the people. On the 2d of November he was at the Meeting of the Division, No. 11, at the Rainbow, in Fleet-street, at which a report was read by the Delegate, mentioning that the Society at Stockford had wrote to Sheffield, approving of the Meetings there, and that the Editor of the Sheffield Newspaper had written to them, intimating that it would be good policy to send Delegates among the Farmers to instruct them in politics.

Some minutes were read, which were found on the Prisoner, by which it appeared that he was the Delegate who read these accounts.

The witness then proceeded to read minutes which he had made of what passed at various meetings, at which he was present. At one of these he was chosen Delegate of his own Division, after which he attended the General Committee of Delegates. At another a Report was made of the Address to the National Convention of France; that the Society amounted to upwards of 6000 Members, and was increasing daily; that the Address had been received at Paris, and sent by order of the Convention to the 83 Departments.

His division once directed him to recommend at the Meeting of Delegates to issue a Declaration that they were not Levellers; and that in case of tumult they were ready to support the Magistrates, accompanied with the information that they were determined to persevere in their endeavours to obtain a Parliamentary Reform.

At the same time to declare, that Members of the Society who were persecuted should be protected by the Society, if they had not made use of any violent words or actions. These were recommended and passed.

The Lord President. If they were passed, a message must have been sent to the Magistrates. Was that done; or was any resolution come to to send such a message?

Witness. There was not. He proceeded to state, that at one of the meetings it was recommended to the members to avoid signing, if they could, the resolutions on foot by Mr. Reeves's association for the support of Government. Individuals were, however, he said, left to their own discretion. It was determined that Mr. Fox's speech on Parliamentary Reform should be published and distributed. Some time after, Margarot told them that Mr. Fox had gone as far as he possibly could; but that they must not rely on him, as he was bound up so by the declarations he had been forced to make in Parliament. It was at one meeting recommended to each delegate to take the sense of his division as to the propriety of giving soldiers a ticket of admission. A letter was received from the Friends of the People, recommending moderation, and not to correspond with France; on which it was proposed no longer to correspond with that Society, as they never had made a sufficient declaration of their principles.

A member observed, that corresponding with France showed that they wished their laws established here. Margarot answered, certainly it does. At one meeting, Kersaint's speech was circulated in the country, and the Address of the National Convention. At another, Hardy, the prisoner, recommended a debate, whether eighteen or twenty-one years was the proper time for every man to have a vote; and an idea prevailed, that the former was the properest period, as at that age they were liable to be chosen militia-men.

At the meeting of the 26th January, Lynham said, a delegate of division No. 5, had got some copies of Paine's works—he was going to France—he had received a hint, that they would be all taken up.

At the meeting of the 31st January, the note-book of Lynham furnished him with one very material fact, namely, a proposition of Baxter, that only 6s. should be paid of their subscription to the Society; and that the other 7s. should be given to encourage the division of Spitalfields, which needed it in fact, to keep them together. They were poor, and yet more numerous than all the other Divisions put together. Margarot recommended them to proceed orderly. Some one observed, that it must come to a struggle. At this time 13 Delegates were present.

Read a letter from Sheffield, dated Jan. 16.—Margarot was of opinion, as he expressed himself to the delegates, that petition was not the mode to obtain redress; nevertheless, it was essential to petition, as it kept up and fixed the attention of the public to the object. It was resolved the deputies should go to No. 52, Frith-street, to sign the address upon the liberty of the press.—It was mentioned that there were several religious societies in town, whose principles led them to prefer a republican form of government—these should be conciliated.

At a meeting in the Seven Dials, where the witness was present, Margarot mentioned that divisions 25 and 16 were poor, but that it would be policy to assist them, as their members might be useful in case they went to War.

The witness was asked, what he understood by the term—going to war? He explained it against the *Government*; and added, it was frequently said by many, that a general rising might be expected throughout the country.

At a meeting of the 14th February, Hardy proposed a general meeting, to be composed of delegates from each division and society. Worthy mention was made of Mr. Fox's sentiments, as to the people having a right to alter the Government of the country. They promised to answer the Sheffield Society speedily, how they meant to proceed. Resolved to have nothing to do with any one who had been connected with Lord George Gordon. Resolved to demand a conference with the Society for Constitutional Information, as they appeared to be inclined to go as far as themselves, and to have no farther intercourse with the Friends of the People, who never meant to go so far as the other two Societies for Reform.

The *ci-devant* Aldgate or Gotham Society expressed themselves, it was said, to be disposed to Republicanism, of which tendency there were said to be six Societies in the Metropolis. The Aldgate Society thanked Mr. Fox for his speech. The Division 23 determined to petition Parliament.

On the 24th of February it was resolved that a Petition should be written to the King——remarked, that the late failures occasioned by the Banks refusing discounts were serviceable to their cause.

Read a letter of the 15th of February, in answer to one of the 1st, signed Joseph Carter, purporting to be from the *Friends of the People*; What body of their friends, the witness did not know. It was said the time of action was not far distant. Reeves's Society was pronounced to be unconstitutional.

On the 28th of February, the Thanks of the Society were voted to Mr. Erskine, Mr. Grey, Lord Lauderdale, Lord Lansdown, and the Duke of Norfolk. They think, though they could not hope to succeed, it would yet answer a good purpose to petition. It was proposed, that each Delegate should have one copy of the petition, and by all means to force it into the Coffee-houses in his district, that signatures

might be accumulated. Resolved to print 1000 copies of Friend's Address and make Extracts.

March 28. It was resolved that hand-bills should be secretly posted in the night to inform the people where the petitions lay for signing; 14 Delegates were then present.

April 29. This was the Anniversary Dinner of the Society. It was said there that a Revolution was certain in the country. The witness took down the toasts and sentiments. We think fit to notice only two of them; one as it shews the folly of the day, and the other as it evinces the *correctness* of the witness.

> May despotism be trampled under the hoofs of the Swinish multitude—And
>
> May Governments soon cease to be an opposition of the MANY to the FEW.

Mr. ERSKINE alluded to the fidelity of this minute in passing.

May 2. Mr. Fox's letter was read. He apologized to the Society for not having sooner answered the letter of the Society, and declined presenting their petition unless they particularly pressed it, as their object in a Parliamentary Reform was Universal Suffrage, to which he never could give his assent. Some other member therefore could more becomingly present it.

May 23. Hardy passed his accounts.

Here the Court retired for refreshment.

May 30. It was hinted, that caution should be used, lest by Le Brun's letter it might be supposed they had some connection with France. Hardy proposed the Society should break up for three months; this was over-ruled then.

June 6. Mr. Wharton's letter recommended —Motion of thanks to him—Ordered to be published in four papers—once in each paper—Comments to be made on it by a Committee of 5 to sit on Monday.

Sept. 25. The friends of liberty were exhorted to persevere, until the Constitution 1688 should be restored; Mr. Vaughan had declared, in his opinion, the petition to be treasonable.

Oct. 7. The petition was discussed against the war.

Oct. 24. Margarot and Gerald elected the two delegates to Scotland.

Nov. 5. Proposed to learn the exercise to defend themselves—Rejected at the division 23 —This was from memory.

Nov. 20. A second subscription to support the delegates to Scotland.

Mr. GIBBS desired to see his notes. The witness made some reply, which the learned counsel conceived insulting.

Jan. 2, 1794. The witness was re-elected delegate: Determined to remove the place of meeting to No. 3, New Compton-street: Determined to distribute hand-bills, approving the conduct of the delegates to Scotland, and censuring the Magistrates of Edinburgh.

Jan. 9. It was resolved a letter should be written to the different Societies, to consult of an address to the public, upon the invasion of their rights by the Magistrates of Edinburgh. Resolved to discuss the conduct of the Right Hon. Mr. Dundas.

Jan. 20. On this day, at the Globe, the floor gave way: He minuted Thelwall's resolutions, and heard very bold language.

Jan. 23. Meeting of delegates—Hardy there —handbill expressive of grievances—subscriptions for support of delegates in Scotland 13l. 14s. 5d. Determined to watch the proceedings of Parliament every night.

Jan. 30. Division 11 proposed dividing the metropolis, and opening the divisions to all parts —division, No. 8, expressed its alarms at the press gangs, against whom they had no protection. A Secret Committee—Martin, Baxter, Williams, Thelwall, and Moore, to consider of measures to be pursued at the present crisis.

Mr. BOWER asking him how he had become a member of this Society? He said he was led to it by a meeting held at the sign of the Mansion-house, the landlord of which he had cautioned not to admit such improper company—Watt, he said, was President of the Society when he made himself a member.

The cross examination by Mr. ERSKINE produced, that he had been in the commission line, although he was not then. It consisted of procuring articles for persons in the India line: he had done more business last season than on any former, and he still kept a warehouse open in Walbrook. Of his own he had no stock, and in this business he had been seven years.

The resolution and address of the Society first alarmed him, but to effect any good for the public it was necessary to think as they did, in appearance. He was elected delegate, June 13, 1793. His character had not passed without suspicion, he was even tried upon evidence, and notwithstanding the testimonies against him, this real spy was *honourably* acquitted. He continued with the Society, until he was re-elected a delegate.

He mentioned his idea of danger to a friend first in October 1792. He was asked whether that friend was a magistrate or not. An objection was made and answered. He removed it by saying his friend was not a magistrate. That friend recommended him to a quarter, where the information of such proceedings was likely to meet the proper notice.

Mr. ERSKINE asked who that friend was?

Mr. ATTORNEY GENERAL objected.

The CHIEF JUSTICE. The channels by which information useful to the public is obtained, should never be unnecessarily disclosed, and if this friend was one of the links of that chain of communication, he thought it improper to press for his name.

Mr. GIBBS remarked that Mr. ERSKINE meant to sift his credit by the question.

The ATTORNEY GENERAL professed himself not acquainted with the practice of cross examination in the Nisi Prius Courts, not having for many years practised in any of them, but he drew an analogy from that in the Court of Exchequer. If an informant there had, upon oath, convicted a man, who should have defrauded the revenue duties of 30,000l. it would never be a question, who had led him to the knowledge of this fact.

Mr. ERSKINE said, all he wished was to get at the rule of the Court, if he could—

He then asked the witness, if he had shewn this friend his book? No, he had mentioned it to him in October 1792, that friend recommended a quarter: as the friend was not a magistrate, nor any member of his Majesty's executive Government. Mr. ERSKINE contended he had a right to know his name.

Suppose, my Lord, said he, that we entertain doubts whether such communication was ever made, how am I to get to the truth of this fact, unless I am permitted to subpœna that person, and ask him, if it was made. Suppose I believe, stating it in argument, that the whole of those particulars in that book are fictitious, and coined subsequently to the time when they are pretended to have been written, how am I to falsify such assertions? But it is said public justice must give way in some degree to political necessity; he would try the public justice with the prisoner at the bar, and as it gave him the requisite means of defence, so would he judge of it, and as to the popularity of the state, it was impossible that could be injured by the disclosure, for the Government was popular.

The CHIEF JUSTICE recapitulated his former opinion with great clearness.

The CHIEF BARON thought that the friend who had advised was not a link of the communication to Government, and that the question might thus far be admitted.

Judge HOTHAM could not see any distinction between this friend and the magistracy, and decided against the question.

Judge BULLER took the proper line to compose the difference, but he failed. He imagined it to be the idea of the Chief Justice that the second person only should be excluded; that is to say, the first informer—since the friend merely advised, and did not communicate.

Judge GROSE however, resisted the question upon a similar argument to the Lord Chief Justice's, and the question therefore was lost.

He was asked, whether he had any private business in his note-book, and if so to take them out, and allow the Counsel to see his notes. He was then questioned, whether the members of the Society usually took notes? He answered, they did. He took such as he was able, though not to answer merely his purpose. He made his minutes as a *bona fide* delegate, his conscience and seeming duty, though opposite, leading to the same act.

It came out that the second person to whom he addressed himself, recommended him to a third, and from that third the information circulated to Government of the meetings from time to time. The witness never went to a magistrate himself.

He was allowed to take his book away, erase or remove the leaves irrelevant to his evidence, and bring it in the morning for the use of the Counsel.

John Coates, late of the Birmingham Volunteers, acknowledged that he had been a servant or apprentice to *P. Franklow*, taylor, No. 1, China-Row, Lambeth: that in the one pair of stairs his master and several others used in the evening to be taught the use of fire-arms: that he never heard of any circumstance which induced him to believe that those who met there conspired against the King; that so far as he understood their principal aim was a Reform in Parliament, and that he had seen his master in his uniforms of blue coat and red collar, with white waistcoat and breeches.

James Walsh's evidence followed. He stated his having been at the Chalk Farm Meeting. He heard something mentioned respecting a Convention. The Resolutions were read in his presence. One hundred thousand copies were ordered to be printed; and, if necessary, it was said, that the number might be increased to 200,000. He remembered having heard Thelwall speak on the occasion; but does not recollect any part of his speech. He was convinced, that there was no proposition, nor one word uttered, relative to arms. There was one man there from Ireland, which he knew by his *brogue*. Cannot charge his memory with any further particulars.

Thomas Green, of Orange-street, Leicester Fields, was then sworn. He declared, that he had dealt in knives and forks ever since he had been in business. Of three dozen of spring knives which he had received from Sheffield, he had sold fourteen. He had sometimes disposed of single knives. The prisoner, Hardy, had purchased some in packages, which consisted of six, sometimes seven in the package. Green sold one to Billington, and another to Groves; but said that he had got most of those taken by Hardy on account, returned to him when the prisoner was apprehended. The witness remembered having been one evening at supper in Compton-street, where he cut his food with a knife of this description, which received the approbation of the company.

Mr. ERSKINE cross-examined Green.

The *Witness* answered, that he had dealt in these knives for several years.

Mr. ERSKINE.—"Did you ever understand that these dreadful knives were for the purpose of throat-cutting?"

Green.—" Never."

Mr. ERSKINE—" Were they of a new or an old construction? Were they considered as *secret* knives for terrible designs?"

Green—" They were neither new nor secret. They always lay in my window for common sale, and I dealt in them for more than seven years."

Mr. ERSKINE—" I suppose all cutlers sell such knives?"

Green—" I never knew any cutler without them."

Mr. ERSKINE—" When Groves wished to purchase a knife, did you desire him to speak in a low tone of voice, because your wife was a *damned Aristocrat*, and might hear what he said, from the parlour?"

Green.—" I never said my wife was a *damned Aristocrat*; nor did I ever advise Groves to speak in a low tone of voice."

Mr. ERSKINE.—" Upon your oath, you did not?"

Green.—" I swear positive, I did not call my wife a *damned Aristocrat*."

ATTORNEY-GENERAL.—" No, Mr. Greene, I dare say you could not be so unpolite to your wife."

Mr. ERSKINE—" Groves has sworn to it."

Edward Hodson was next sworn. He said that he was a member of the London Corresponding Society about three months. Believed that there was no other object in view than a Parliamentary Reform. That the change which they wished to effect was that in the Commons House of Parliament; that it was no part of their plan to attack the King, but that they entertained very far different objects; that they designed no diminution of his power; that they never intended to displace or overthrow the Lords; and that the witness left the Society when he learnt that Hardy and Adams had been apprehended.

Mr. GIBBS—" Had the Society ever any idea of taking upon themselves the legislation of the country?"

Hodson—" No."

Mr. GIBBS—" Did you believe that from their conduct they ever meant to introduce the anarchy of France?"

Hodson—" Never."

George Ross lives in Edinburgh, entered a member of the Society of the Friends of the People at the end of the year 1792, was a member of the British Convention, as delegate from his Society in 1793. At the end of November or beginning of December, attended several of their meetings. There were several delegates from England: Was not a member of the London Corresponding Society; received amongst other letters in number about half a dozen, one from Mr. Stock in Edinburgh, the same with that which was then given into his hands; sent several of the letters he received from Stock into the country. Sent one to Strathaven, one to Paisley, and some to other places. Took some of the minutes of the Convention, acting occasionally as secretary, recollects the dispersion of the second Convention.

Cross-Examination.

The object of his Society was a Reform in the House of Commons, and no further. There was, to his knowledge, no intention in the Association to attack the King's Majesty. The Convention did not consider themselves as the British Parliament, nor attempt to usurp the functions of the Magistracy. Made no laws to bind the people. Their only object was to gain a Reform by means of a petition. The Convention consisted of about 200 people, unprovided with arms, and yielded to the authority of the Magistrates when they came against them. The Convention consisted of all ranks, poor and rich, many of them reputable people, and chiefly of sober morals.

Mr. GARROW, in re-examination, asked him if he was present when the Convention declared they would continue to assemble, until compelled to resist by superior force?

He does not know that such a resolution had passed, or at least does not recollect that he was present at the time of such a proposition, as he had not an opportunity of attending every hour in the day. Was present when a Convention Bill, &c. was to have been a signal for their assembling.

Speaking of the morality of the Members, he denied that Watt was a Member of the Convention, but acknowledged that Downie was.

The LORD PRESIDENT interrupted this kind of examination as irregular.

Mr. ERSKINE—What were they to do when assembled in consequence of such signal?

He said it was to forward their petition; but if their petition was rejected they would not desist.

Arthur M'Nell, of the Water of Leith, was a Delegate to the Edinburgh Convention, and attended their Meetings sometimes. After the Convention was dispersed, there was a Committee of Union formed, some of them of the Committee of which Watt was a Member, There was a Committee of Ways and Means appointed afterwards, Mr. Holt, Mr. Burk, Mr. Richardson, Mr. Watt, Mr. Downie, and himself.

In that Committee, which was held in the month of April, the original object was to defray the expences of Mr. Skirving.

Watt read a plan, proposing to seize the Lord Justice Clerk and the rest of the Lords of Council and Session, and the Lord Provost of Edinburgh; to kindle a fire in the Excise Office of the New Town, and there was to be a party stationed.—

Mr. ERSKINE wished to know the relevancy of this evidence.

The ATTORNEY GENERAL rested the applicability upon letters of correspondence between Skirving and the prisoner, Hardy, in which he endeavoured to shew that they understood, and were in concert with each other. The documents which he brought forward on this occasion, were exceedingly numerous and complicated. From their concert, union, and correspondence, he inferred that they were all parties in the same design. They were both preparing pikes, and preparing plans of resistance to Government, going on at the same time in both countries, and similar circumstances were deemed a conspiracy in the case of Lord LOVAT.

Mr. ERSKINE said, that having scarcely the time allowed him which nature demanded for rest, he was hardly prepared to answer the ATTORNEY GENERAL in all the references to which he had recourse; but as far as the prisoner was implicated in the proceedings of the Scotch Convention.

The PRESIDENT recommended to let the examination go on.

The examination being resumed, the witness said, that a party was to be stationed at Lochin Brach, and a party in another part of Edinburgh. The fire was to draw the military from the Castle. The two parties were to take them in front and rear. Different parties were to seize the different banking houses in Edinburgh, and commissioners were appointed to collect the cash of the banks. When Watt read this first plan, were present Mr. Stock, himself, Watt, Downie, and another, being five out of the nine ofwhich the Committee was composed. The prisoner objected to any thing that would tend to shed the blood of his country, in which Downie agreed with him.

On one of the last nights he attended, Watt read another plan in the presence of the same Committee, in form of a proclamation, prohibiting all farmers or dealers in corn, grain, or hay, to remove the same from their dwellings, under pain of death; also that no gentleman should go above three miles from their respective habitations, under pain of death.

On the other side of the paper was an address to his MAJESTY, *ordering* him to dismiss his present Ministers, and put an end to the present war, or abide bad consequences.

The address was to be sent to his Majesty the morning after the attack. This plan he conceives was to strengthen the former one.

The witness told Watt those things did not belong to a Parliamentary Reform, and he would have nothing to do with him.

Watt called upon him, and asked him to take a walk to Orrock's, whom he asked to make some pikes, which Orrock sketched out upon a board or plate. Watt desired him to be busy and work, as he had 4000 to send to Perth, beside what he was to distribute about Edinburgh.

He met Stock at the Committee, who said he was going to London or Bristol; and that he would wait upon Mr. Hardy, the prisoner. Watt offered him a letter to the prisoner, to form a correspondence with Mr. Hardy and him in a safe manner.

Cross-Examination.

Does not know whether Hardy desired such correspondence, or whether any took place. The object of his Society, consisting of 20, was a Parliamentary Reform. Attended the Convention, and never heard such conversation as that he heard from Watt. As far as he could understand, they meant, *by a petition*, to obtain a Parliamentary Reform. The very night they had been dispersed, they were to have considered of a Petition to Parliament, or the King. Never saw any arms amongst them, nor was any proposition for an armament made. He spoke in general well of the moral characters of the Members, and gave the same description of their object as the former witness. He swore that he did not know that the Convention had agreed not to separate, except compelled by force, and as to the other latter resolutions, which were considered as violent, he only knew of them by report.

Mr. GARROW was examining why he did not give information to the Magistrates of Watt's first plan, when he was interrupted by the LORD PRESIDENT, who said he was leading himself to make a confession of High Treason, and expressed his regret for suffering it to proceed so far.

William Middleton said he had on the 15th of May searched the house of Watt.

This evidence was objected to by the Court, as being subsequent to the time when Hardy was taken into custody.

Mr. ERSKINE then said, that the evidence on behalf of the Crown being now in a great measure closed, he must represent to their Lordships that Mr. GIBBS and himself, being the Counsel, appointed by the Court, for the Prisoner, had been so continually occupied, as to allow them insufficient time even for that rest which nature required; but none at all for consulting upon the manner of conducting his defence. For himself he was so much indisposed as to be unable to avail himself of the few hours granted on a former day, and he yet remained so ill that nothing but an imperious sense of duty could induce him to attend any longer. Notwithstanding this he was far from wishing to trespass on the time or convenience of the Court; but, as much time would be saved by suffering him to proceed according to the arrangement he wished to make, he hoped the Court would indulge him in some time to make the necessary preparations.

The LORD PRESIDENT observed that this was a very new and unprecedented situation. The Court felt for the difficulty of his situation, and he could assure him that, as far as depended

on himself, the LORD CHIEF BARON, and the other Judges, any personal inconvenience to them should not deprive him of any necessary accommodation. But that was not all—the Jury were in the discharge of a more severe duty than any he had ever heard of, and they bore it in a manner that did them very great honor. Besides, it was a matter of notoriety that great part of this evidence had been for a long time in print, and it was not to be supposed that it had not been duly weighed and examined. There was one alternative which suggested itself, which may be of general accommodation, which was that Mr. ERSKINE should go on to examine his witnesses to-morrow, for, though he did not wish to name Sunday expressly, he must inform him that the Court meant to sit very late on Saturday night.

Mr. ERSKINE said, that the ATTORNEY GENERAL having opened up so copiously, and with so many comments, the evidence on behalf of the Crown, he could not venture a thing so unprecedented in the history of our jurisprudence, as to suffer that evidence to go in such a state before the Jury, and the impressions which the cross-examination might have made to be worn off without entering fully upon the defence, and explaining the nature of the exculpatory evidence. He meant not to ask any time for preparing his address; but simply to make such arrangements in the evidence as would expedite the proceedings, and for this I require only a few hours.

Mr. GIBBS also remarked, that they could not hazard so novel a proceeding, as to enter upon the exculpatory evidence without addressing the Jury, lest any imputation may lie upon them, should the event be adverse to the prisoner.

The PRESIDENT said, that consideration was personal to themselves, but not essential to the administration of justice. The Court, he said, was afraid to hear Mr. Erskine's explanation of what he meant by a few hours, and was desirous to know what time he demanded.

Mr. ERSKINE declined the appearance of prescribing to the Court, and would be contented with what time they should think proper to afford him.

The ATTORNEY GENERAL being asked what further witnesses he meant to produce? said, there were only two, and those to points given in evidence before, which may not take more than twenty minutes.

Mr. ERSKINE was asked whether he intended to call witnesses, or rest the defence on the evidence already adduced?

He answered, that he intended to call witnesses.

Judge BULLER said, that he neither accepted their expedient, nor would mention precisely the delay he wished to obtain.

Mr. ERSKINE reminded them that the ATTORNEY GENERAL had taken upwards of nine hours in opening the prosecution, and it would be but just to allow an equal, or if necessary a longer space of time for making the defence; but if he was suffered to make such arrangements and selections, instead of reading that part at full length of the evidence upon which he should have occasion to observe, he need not occupy half the time that was taken by the ATTORNEY GENERAL. He therefore proposed an adjournment till twelve o'clock to-morrow.

The PRESIDENT then offered to adjourn till eleven o'clock.

Mr. ERSKINE begged earnestly for another hour, and asked the Jury, whether they would agree to accommodate him in that manner?

The Jury with one voice declared that they would agree to any thing which would accommodate them.

The LORD PRESIDENT said, if the Jury begged it for him, he would not refuse him.

The Court then, at HALF PAST ONE O'CLOCK, (this morning,) adjourned till TWELVE.

End of the Fifth Day—To be continued.

TRIALS FOR HIGH TREASON.

TRIAL OF THOMAS HARDY FOR HIGH TREASON.

OLD BAILEY, SATURDAY, NOVEMBER, 1.

SIXTH DAY.

AT twelve o'clock this morning the Court met pursuant to their adjournment last night, and proceeded to business.

PRESENT,

Lord Chief Justice EYRE, President,
Chief Baron MACDONALD, | Judge BULLER,
Baron HOTHAM, | Judge GROSE,
The LORD MAYOR, &c.

The ATTORNEY GENERAL. My Lord, I propose to call a Witness to prove that the paper, page 18, in the second report of the Secret Committee, was found in possession of Thelwall and Martin, and taken from a copy of the prisoner's. It was indeed found after the prisoner was in custody, but I shall further prove that it existed long before that period.

Mr. GIBBS. This paper, my Lord, was never made use of, it was simply in their custody independent of observation; the admission of it in evidence directly contradicts the rule your Lordship has laid down, not to receive any document found after the apprehension of the Defendant.

The LORD PRESIDENT. The only ground of that rule is, that being found afterwards, it possibly might not exist previous, and therefore it was no proof that the prisoner was a party to it. But if they remove that objection, and show that in fact it did exist before his apprehension, the objection exists not longer.

The ATTORNEY GENERAL. There was a meeting held in consequence of this paper which constitutes a direct act. Thelwall and Martin were appointed to draw up the mode of the meeting.

The LORD PRESIDENT. That goes more to the effect of the evidence, than the admissibility. The objection is removed, and it must be received.

Mr. *Shaw*, the Messenger, said that he found the paper produced in the apartments of Thelwall on the night of the 13th of May.

John Nost said, that he found the same copy in Martin's possession.

William Walker declared, that the whole was in the hand writing of Martin.

Mr. GIBBS. Where do you live?

A. In the Adelphi.

Evan Evans was called.

The ATTORNEY GENERAL. Were you ever confined in the King's Bench prison for debt?

A. I was.

Q. When did you leave it?

A. The 31st of July last.

Q. How long were you there before you left it?

A. Two years nearly.

Q. Did you know John Martin there?

A. I did.

Q. Did you ever see these two papers before?

A. I have.

Q. Where?

A. In possession of Martin some time in April, previous to the date which they bear.

Q. Did any thing pass between you and Martin at that time?

A. He told me that he had drawn up the resolutions for the meeting at Chalk Farm. He added, that he had put plenty of cayenne into them, and that if they would follow his advice, there would be warm work among them before May.

Q. Was your wife with you in prison?
A. She was.
Q. Did she ever see the papers?
A. Yes.
Q. Did you know Towel in prison?
A. I did.
Mr. GIBBS. What are you, Sir?
A. I was formerly a Grocer.
Q. Had you ever any difference with Martin?
A. I had.
Q. What was the cause of this quarrel.
A. It was not a quarrel, but only a difference which took place in common conversation.
The ATTORNEY GENERAL. Was Gay in Prison at the same time Martin was?
A. Yes.
Mrs. *Evans*. The ATTORNEY GENERAL. You are the wife I believe, Madam, of the former witness?
A. I am, Sir.
Q. Did you attend your husband in prison?
A. I did.
Q. Did you see these papers there?
A. Yes; in the possession of Martin.
Q. Did he say any thing at the time?
A. He said that he had drawn up the Resolutions to be passed at Chalk Farm, and had put plenty of cayenne into them, and that if they followed his advice there would be warm work among them soon.
Q. Was it before the date which they bear that you saw these papers?
A. I saw them in April.
Q. Did you ever see a copy of them before that period?
A. Pierce, Under Secretary to Hardy, brought one, and said, he had distributed many, and could have more from Hardy who gave him them.
Mr. GIBBS. What Resolutions do these papers contain?
A. Resolutions for the meeting of the London Corresponding Society at Tottenham-court-road.
The LORD PRESIDENT. I did not understand that these were the Resolutions read at Chalk Farm, but only that when these were produced, Martin said, that he had drawn up Resolutions for that meeting.
Thomas Toan deposed, that he knew *Martin* in prison, and three or four days previous to the meeting at Chalk Farm, heard him make use of expressions similar to those detailed by the former witness: *Gay* was in prison at the same time, and he saw *Pierce* there.
The paper was now read, and the Attorney General requested the Jury to attend to what was erased, as well as what was inserted.
——— *Edwards* saw a paper handed about the Division, No. 11, to which he belonged, exciting the people to arm. Among other things, it contained these words: "One party tells us, that the Country is in danger of an invasion by the French, the other, that it is in danger of an invasion by the Hessians; in either case it is necessary that you should yet arm and learn the use of arms."
William Middleton said, that on the evening of the 15th of May he searched Orrock's house, and found about 33 finished and unfinished pikes. On the same day he found in possession of *Watt*, who was lately executed at Edinburgh, 12 on one search, and 4 at another, with one shaft.
Mr. GIBBS objected to this testimony, as they were found after the apprehension of the prisoner.
The ATTORNEY GENERAL.—They were ordered before, as it appears in evidence, and with the privity of HARDY.
The LORD PRESIDENT.—The evidence is clearly admissible, for it will establish the fact that the order was given.
The ATTORNEY GENERAL.—What led you to make the search?
A. I was in pursuit of Bankrupts effects.
Q. What became of these instruments?
A. I delivered them in a box to Mr. Sheriff CLERK, at Edinburgh.
James Clerk, Sheriff of Edinburgh, was called. The pikes were given to him as the last witness said, and he kept them in his possession locked up till the trials at Edinburgh commenced, when he delivered them to the last witness for the purpose of giving evidence.
William Lockhart said that he had kept them in his possession ever since.
——— *Edwards* addressed the Court, and wished to explain the evidence he gave yesterday, as to the meeting to be held at the Old Bailey, on which he said Mr. GARROW had relied a good deal, and which he believed had been misconceived.
The Court gave him leave. The meeting he said did not take place, and no money was in fact put down.
The ATTORNEY GENERAL was proceeding to put some questions to him—
The LORD PRESIDENT.—I do not conceive, Mr. ATTORNEY GENERAL, that you have the right of examining again at present; that would convert it into a re-examination.
The ATTORNEY GENERAL.—Your Lordship will perceive, that if I have not, great inconvenience may arise from admitting an evidence to explain, as his own wishes may suggest. On every examination some questions are omitted, and these might modify the explanation given.
The LORD PRESIDENT.—The explanation must doubtless be received with abundant caution by the Jury, from the practices which we have slided into, of permitting such accounts of impending trials to be given as the industry

of any auditor enables him—this practice opens the way to conversation out of doors with the witness relative to the nature of his evidence.

William Lockhart went with *Middleton* to *Watt's* house, and corroborated his testimony relative to the pikes.

They were then produced in Court, and handed about to the Jury. They were all of one size in the socket, and the one shaft fitted all.

Some minutes were next read of the Constitutional Society, stating that *Gay* was admitted a Member on the proposition of *Tooke*, seconded by *Bonney*. The description there given of him, is as being resident in Duke-street.

Evans was called to prove him the same person that was afterwards confined in the King's Bench Prison. He said that he had heard *Gay* in prison say, that he lived previously in Duke-street.

The ATTORNEY GENERAL.—We have it in evidence, that a Member declared, that *Gay* was prepared to *go farther* than he *dared* to say.

THE PRISONER'S DEFENCE.

The ATTORNEY GENERAL having closed his evidence on the part of the Crown, a more than common anxiety manifested itself in the Court, and Mr. ERSKINE being arrived in his place, about a quarter past one o'Clock, he arose and addressed himself for six hours to the Court. The profound investigation, unwearied research, powerful reasoning, and irresistible feeling, he displayed, leave an impression which it is difficult so to combat as to prepare any thing like an analysis of his labour.

Mr. ERSKINE commenced with stating, that before he began to discharge the momentous duty imposed upon him, he begged leave to return his thanks for the attention he had already experienced, and above all for that indulgence in the Court and the Jury, by availing himself of which, he had made the short preparation, through which, enfeebled as he was, he must undertake the defence of the unhappy Gentleman at the bar.

Before he considered either the law, or the evidence as laid down and brought forward by the servants of the Crown, he took liberty to praise the manly and honourable conduct of Mr. ATTORNEY GENERAL, who had relieved him from much toil by disdaining all collateral matters, and keeping strictly to the charge. This was an attempt to subvert and change that Constitution, whose eulogium he begged to make in the Prisoner's name, and for which no person's love and admiration could exceed his own praise, which every good man must wish to hear. But what, in a more especial way, entitles it to this unbounded love and respect, if any one quality more than another binds to it the popular love, is that essential part, by which the people through their delegates are instrumental to the making their own laws. But in these times when men were deploring calamities so many and so grievous, perhaps the most dreadful evil existed in a *barbarous* STATE NECESSITY, by which ALL LAW for the protection of the subject was *repealed*, and no man's person was secure—whether accused of republicanism or federalism, whether Jacobin or moderate; imprisonment followed information as the thunder did the lightning; the man was dragged from his home to perish upon a scaffold, and saw his family and his friends no more.

If this prosecution be brought to avert from the country the calamities of civil confusion—if the people's security live only by it, and justice must strike, let it be legal justice—but if innocent, I implore you to avert the calamities I have described from falling upon the head of my client. It must be remembered, that society suffers not more from mistaken zeal than by brutal ferocity. I ask for him a trial by the Law and the Constitution; that the law be interpreted by its strict and rigid letter, but no more. The claim of the Sovereign of England stands upon this law—if it be found defective in its securities of the people's rights, in Parliament is lodged the power to remedy and amend the defect, and set the law upon its right basis. By that law, you will now try the Prisoner before you, Gentlemen of the Jury; and I most solemnly implore him, that Almighty Being, who is the source of all justice, and in whose hands are all the issues of life, that he will fill your minds with truth, and illuminate them with judgment, that you may do justice betwixt the Crown and the Prisoner.

The first object for our consideration is the indictment. It charges, that the Gentleman at the bar, with other persons therein described, did meet, agree, and conspire to procure a Convention, with intent traitorously to subvert and alter the legislative power, and depose the King—this is the overt act of the charge of Treason conspiring and compassing the death of the King. The other charge is that of providing arms to effect the said purposes.

Here are two matters for your consideration; what the Prisoner did at the Convention, and what that Convention did? and then, if he did the act charged, whether it was done in consequence of the intention. For we must examine both—what was done, and what was the intention of doing it.

In the statement of what the law is, I shall not presume to offer you any thing of my own, I shall cite to you the authorities afforded by the works of the sages of the law, and when I read to you, Gentlemen of the Jury from this book, it is authority I shall read, and not any

opinions or comments of mine. I am fearless that any authorities will be opposed to the sentiments of Lord HALES, that enlightened and virtuous man, whose name will be revered as long as the law of the country shall last. Mr. ATTORNEY GENERAL has not cited to you cases of an ambiguous nature; he has disdained to refer to times of arbitrary construction, when we had not the security we now have, in the integrity of an independent Bench; and the Judges were deemed by better ages to have done a murder instead of justice, when the slightest trip of expression was sufficient to rob a man of life, and no one knew how he was to guard against venal deposition and constructive Treason.

In pursuance of my design, it will be necessary for me to take a large field of observation, and to advance and stand step by step solely upon authority.

Lord HALES observes with respect to "the words *compass* and *imagine* that they are of a great latitude.

1. "They refer to the purpose or design of the mind or will, though the purpose or design take not effect.

2. "Compassing or imagining singly of itself is an internal act, and without something to manifest it could not possibly fall under any judicial cognizance but of God alone, and therefore, this statute requires such an overt act as may render the compassing or imagining capable of a trial and sentence by human judicatures."

The same great man remarks—"Now although the crime of high treason is the greatest crime against faith, duty, and human society, and brings with it the greatest and most fatal dangers to the government, peace and happiness of a Kingdom or State, and therefore is deservedly branded with the highest ignominy, and subjected to the greatest penalties that the law can inflict, yet by these instances, and more of the kind that might be given, it appears—1st. How necessary it was that there should be some fixed and settled boundary of this great crime of Treason, and of what great importance the Statute of 25 Edward III. was, in order to that end.—2d. How dangerous it is to *depart* from the letter of that Statute, and to multiply and enhance crimes into Treason, by ambiguous and general words, as, '*accroaching* of Royal Power', '*subverting* of fundamental laws,' and the like.—And 3dly, How dangerous it is by construction and analogy to make treasons, where the letter of the law has not done it; for such a method admits of no limits or bounds, but runs as far as the wit and invention of accusers, and the odiousness and detestations of persons accused will carry men.

Lord HALES goes on to recapitulate the instances of oppression formerly aggrieving the subject upon which the above lamentation had been grounded. He then comes to consider the act of the 25th EDWARD III. by which he deemed all constructive oppression was done away. The act itself is well known (and has here in its members been often printed), my Lord COKE, that zealous and laborious man, who is deservedly considered as the head of our profession, and the luminary of the law of England, with that course, which was most likely to lead him to the true intent and meaning of an act, has composed in his 3d Institute, a commentary, word by word upon the act. I will read you, Gentlemen of the Jury, his idea of the meaning of the terms compass or imagine.

"So as there must be compassing or imagination—for an act done *per infortunium*, without *compassing*, *intent*, or *imagination*, is not within this act, as it appeareth by the express words thereof.

Et actus non facit reum nisi mens sit rea.

"This compassing, intent, or imagination, tho' secret, is to be tried by the Peers, and to be discovered by circumstances, precedent, concomitant and subsequent." Further saith the same great authority, "he must be PROVABLY attainted, for the word is not *probably*, for then *commune argumentum* might have served."—There must be proof, and this proof is called the OVERT ACT.—Now the great authority just quoted, although he most infamously submitted to the murder of Raleigh, and became the instrument, yet nobody disputes his authority as a lawyer. He was himself one of the greatest *prerogative* lawyers, yet mark what he says upon the subject of OVERT ACT.

This, says he, doth also strengthen the former exposition of the word *provably*, that—"It must be provably by an *open act*, which "must be manifestly proved. As if divers do "conspire the death of the King, and the manner how, and thereupon provide weapons, "send letters, &c. or the like for the execution "of the conspiracy. Also preparation by some "overt act to *depose* the King, or take the King "*by force* and *strong hand* (for such taking it "must be) and to imprison him, until he "hath yielded to certain demands, this is a sufficient overt act to prove the compassing and "imagination of the death of the King."

We now return to Mr. ERSKINE. He commented with great force upon every point of these extracts and similar opinions from Lord Hales and Judge Forster, and stated cases of hypothesis, which he contended were not within the meaning of the Statute.

Could he believe, for a moment, that Lord COKE would style the Parliament which made the Act of 25 Edward III. the Blessed Parliament (*Parliamentum Benedictum*), if it had merely framed an Act not sufficiently explicit upon the nature of treasons? Certainly not. But this Act was stretched, says my Lord HALE, by 21 RICHARD II. And in what did

that statute differ from the law previously established in the reign of his father? It differed in this respect. By Chap. III. of this absurd and flagitious Act, "the base *purpose* and *intent* to depose or kill the King, *without* any Overt Act to *demonstrate* it, was declared High Treason."

And what was the consequence of this overstrained authority: The wretched Prince, for the security of whose life the unwise and oppressive enactment was made, perished miserably by the violence of his subject, as if to demonstrate to future Princes how insufficient were any, or all securities except the Love of the People. This weak Prince, but two poor years after this statute, was both deposed and murdered. And in the first year of the reign of his successor, an act was passed, reciting

"That no man knew how he ought to behave "himself, to do, speak, or say, for doubt of "such pains of treason; and therefore it was "accorded, that in no time to come should any "treason be judged, otherwise than was ordain-"ed by the statute of King Edward the Third."

And thus were swept away at once the whole load of frivolous, extravagant, and ridiculous treasons, by which the subject was harassed in the execution of justice, by venal wretches, of whom it might be said, in the words of the satirist, that you

> Destroy his fib and sophistry in vain—
> The creature's at his dirty work again.

But after this, between the reigns of Henry IV. and Mary, many strange and new-fangled offences became treason, particularly in the sanguinary reign of Henry VIII. All these were abrogated by the 1 Mary, c. 1.

Thus, having stated to you the law, Gentlemen, I come to consider the evidence. And what to say to you upon the evidence brought forward for the Crown, I am unable to conceive. Such a bundle of inapplicable filth, collected from the putrid mass of common ruffians, informers, and spies—that, Gentlemen, it has abridged me of rest—it has filled my mind with perturbation, and set my brain on fire, to conjecture even what it meant. You have been insulted by the testimony of wretches, who have no accountable means of existence, and who never could raise a guinea, but by the prostitution of their infamous employment.

When the great authorities I have stated to you say, that a man shall be provably attainted—it is meant that this accusation shall be brought home not by conjectural presumptions, but full and sufficient, and direct and honourable proof—Gentlemen, such has been the transcendant infamy of the evidence I have lately heard, that I have almost forgot *what a direct* proof is. A man here, whose oath would produce a nonsuit in an action of 10l. is to call upon you, to take away the life of an innocent man, who never heard of him, or till the moment ever knew such a wretch to be in existence.

As the crime of High Treason is the greatest that can be committed, so are the pains and penalties the severest that can be inflicted—It becomes us, therefore, to weigh and examine the evidence, for its substantiation, with the most scrupulous care, to touch it with a trembling nerve, and turn it over and over again. What shall we say then to evidence so irregular, so insufficient, so defective, where one witness, stammering and confused before you, knew not what he said, and could give no account of visible livelihood; and another, professing himself to be a spy, is permitted to read out of a memorandum-book, for five hours together, expressions uttered by he knew not whom, and applying no more to the prisoner, Hardy, than to any one who now hears me? I defy any one man, whose mind is not immediately illumined by the Divine Being, for the purpose, to reach, to fathom, to determine upon it. Such has been the case also upon the trial of Mr. Hastings, which I have always held as a stain to the administration of the national justice. I am not about to discuss his guilt or his innocence; but, I say, it is impracticable for the mind of man to cope with such a mass of evidence—Similar to that is the here unprecedented length of the present trial—in which days have been expended, and here am I, feeble and exhausted, worn out by the attention already paid, and afflicted by disease, recruited only by your brief indulgence, to examine the evidence, and defend the unfortunate man at the bar. The three hours allowed me this morning, I have thought, might be most profitably employed in the marking such points in the evidence as I am able to understand, and the pasting such extracts of authorities as I thought would set them aside. I need hardly remind you, Gentlemen, that the opinions I have had the honour to read to you were none of mine.

Mr. ERSKINE took a distinction in the meaning of the term Overt-Act. He contended that it must be a demonstration of the compassing and imagining to take away the *natural life* of the Sovereign; and he discriminated between the death of the King, and an attack upon his power and majesty. The Jury, he affirmed, were judges of the *intention* as well as of the *act*, and the proof must be formal and convincing. I ask the Court, whether by this evidence, or any thing that appears, it can be collected *when* the design averred in the Indictment originated. If there be no proof of such *intention* by Overt-Act, where does it exist? In the imagination. What is an Overt-Act of imagination?

Alluding to France, he said, there to accuse was sufficient, and the unhappy man would have been hurried away to instant execution. Here, God be thanked! we proceeded upon

the established law of the land, and nothing but what was proved by *act* to have been conceived, would be received as proof of traitorous intention. He anticipated, with confidence and pleasure, that time when the Verdict of the Jury would, he trusted, send them home with composed and quiet consciences.—"You will congratulate, and, after the discharge of a painful duty, solace yourselves in the delights of a social home;—but, whatever you determine, the Prisoner can have no such comfort—HE HAS NO HOME—the affectionate husband has no wife to receive him—the agonies of his situation have dragged her to the grave."

Reverting then to the term Overt Act, Mr. ERSKINE stated the case of Sir JOHN FREND, who had been indicted for intending to depose and cut off King WILLIAM in favour of the Pretender. Lord Chief Justice Holt tried this cause. Frend's argument was that it was only a conspiracy to levy, not an actual levy of war. The Lord Chief Justice said there may be a war levied against the King without any design upon his person.

He then considered the other branches of the statute—the levying war to get a law repealed. He would propose to levy war with 20,000 men, to procure the repeal of a Turnpike Bill; yet if he did not do so, intending by force and strong hand to seize the King, to depose or kill him, the offence was not an act of High Treason, and upon this he again challenged the crown lawyers. He strengthened himself here with the opinion of that excellent Judge and illustrious man Lord MANSFIELD, and combatted the doctrines of the crown lawyers, particularly upon the case of Lord GEORGE GORDON.

He again ridiculed the idea of this being a conspiracy to destroy the life of the KING, and asked Mr. Attorney and Mr. Solicitor why they had waited from the year 1792 to the present hour, if they believed its existence? These Societies were 40,000 strong; if they believed any man inclined to assassinate the Sovereign, why were they silent?—Is it to be credited that something would not have been done against a Monarch, who confiding in the love of his people goes much unguardedly among them, with only a few servants? Look at the Prisoner, Gentlemen of the Jury, examine his countenance, what find you there, that should lead you to suppose he could, himself a mild and amiable character, meditate the taking away the life of a Prince exemplary in his duties, a fond husband, and the father of a numerous and most promising progeny? Why have they thought by the employment of their kind Informers, to suffer them to go on in error; and when they had procceeded far enough, as they thought, let down the latch, and ask a conscientious Jury to spill their blood.

The charge against this man is not for assembling the Scotch Convention, but for one that never was held. Whether the Reform of Parliament would remedy the grievances they meant to procure the redress of, I do not undertake to consider.—It was said these defects in the Government were a mere stalking horse. If they had never occurred previously to wiser men, I might be contented to conclude that they had bad designs. He wished to treat such men as Mr. PITT and the Duke of RICHMOND with great respect. The father of the former Lord CHATHAM had made these reforms the glory of his life, and left the principle as a legacy to his son, who had found his glory in the same pursuit. The Constitutional Society owed its origin to those persons. I have myself, said Mr. ERSKINE, often asserted that there would be a revolution if there were not a reform.

Read the letter to Colonel Sharman.—Mr ERSKINE explained to the Jury who this Colonel Sharman was. He stated him to have been at the head of 10,000 men, who were in *arms*, to procure their rights. No one thought of pursuing the Meeting as illegal, or the Colonel as a traitor. They achieved their object, without which, he would venture to say, His Majesty would have had no more sovereignty in Ireland than in America. This he mentioned in proof, that the being in arms, unless the *intentions* made it so, was not high treason.

Mr. ERSKINE alluded now to the contest which Mr. BURKE had provoked, and which introduced Paine as a writer to this country—As, he said, he should have frequent occasion to allude to him, so he must premise it would be done with inviolable respect. No man felt more sensibly than himself for the domestic calamity, which now kept that Gentleman from public affairs; no man owned greater obligation to the splendour of his genius, and the boundless extent of his talents. The books of Mr. Paine, produced in a state of irritation and controversy, had been said, by a witness, to be approved by the persons indicted, and this was deemed sufficient to overturn the testimony of Government witnesses, when it made in favour of the accused.

You have heard men examined as to the nature of the Societies, what were the principles of the members, and the objects they proposed—they have told you that they themselves feared God and honoured the King, but that they wished reform, and reform by legal and constitutional means—What, are you to believe the testimony of a witness for the Crown only when it makes *for* the Crown, and not when it makes against it? If any part of the testimony of a witness is worthy of belief, the whole is worthy—and what do these very witnesses accuse him of doing? why, what the Duke of RICHMOND declaredly did, striving to produce a reform by universal suffrage and annual Parliaments. What can be said of our justice, if the very conduct which has left the Duke of RICHMOND in splendor and dignity shall conduct

poor Hardy to the scaffold—Might not the words of the divine Poet be properly applied?

" Plate sins with gold,
" And the strong lance of justice hurtless breaks,
" Arm it in rags, a pigmy's straw will pierce it."

It would be said of us, as it was of France, that there was no more law or justice than in a forest of wild beasts. Mr. Burke has said, that the House of Commons had been supposed no part of the Government. It derived its independence from without doors. It was a controul *for* the people. The King and the House of Lords were a controul *upon* the people. The Duke of Richmond demonstrated that 11,000 persons chose a majority of the House of Commons, and that 71 Peers and great Commoners and Placemen, elect 167 members out of these. Is this a controul *for* the people, that is the nomination of a Court, and becomes instead of a check, the very instrument of the Crown? The prerogative of the Crown is not an antiquated prejudice. If a Minister wants to injure the people, where does he carry his measure? Into Parliament.

Mr. ERSKINE here made a declaration of his own political principles, in which he agreed but with the judgments of greater men, that the People had the power to alter the Government, and the general sentiment of the People was legally collected in the manner in which the Prisoner proposed to collect it. He was convinced of one thing, that in the event of a rebellion or conspiracy against the state, the great body of the people would be for the Crown and its inheritance. It stands alone upon the love of the people, and retains it only while it is attentive to their wishes. The Rights of Man, his natural and imprescriptible rights, were the foundations of every thing. He knew, and he believed that no man living had a greater veneration for, or would go further in the support of King, Lords and Commons than his friend Mr. TOOKE; that is the ancient Nobility of the country, and a House of Commons not notoriously profligate and corrupt.

When Mr. Fox's India Bill excited so much clamour as an invasion of the chartered rights of men, Mr. Burke had accused the phrase of miserable affectation.—He knew indeed of the natural rights of man; they were sacred things and Government ought not to affect them—We have a natural detestation of the power that curbs the will of the people. If the French were to land here, and prescribe to us a Republic, I hope I should soon leave these papers for other employment: I understand a trade that would suit such a purpose better.

The opinions respecting the *Rights of Men* were not the ephemeral offspring of those innovating systems in England, which they may be supposed to derive from the doctrines of their neighbours. They were long since advanced by Locke, the most subtle reasoner, and one of the most profound philosophers of our country. The ideas which this enlightened man entertained were followed by the Duke of RICHMOND, in a letter directed to the High Sheriff of Sussex, at Lewes, in the year 1780—the very same year, when the country was justly alarmed at the excesses committed in the metropolis. In that letter he stated that equality, the rights of the people, and the rights of men, were perfectly attainable consistently with the due administration of Government. If, then, those rights were to be obtained, there seemed no other mode by which it could be done, but by the will of the people, deliberately manifested in assemblies of the people. If the prisoner (Hardy) pursued the same object, by means of a convention of the people, it was precisely the same thing which persons of higher character and consequence had attempted and recommended before him. He meant not at present to enter into the merits of the question upon which the opinions of the most eminent men were divided respecting a Parliamentary Reform, and the species of reform that may be most useful; but that the reform of abuses was the inalienable right of a subject of this realm he deemed to be unquestionable; and it did not appear in evidence, even upon the testimony of the crown witnesses, that the Societies intended to exact it by any unconstitutional means, but legally by petitions.

It was not without some surprize and concern, that he heard his learned friend the Attorney General endeavour to construe the formation of a Convention into an implied force; and saying that the King could not consistently with his coronation oath, comply with any authority which the Convention may assume; and that the constitution being antecedent to all positive laws, the people could not act while that government existed. Though there was not the slightest prospect that the Convention alluded to could ever aspire to the assumption of legislative functions, yet to the general argument, he would reply by the opinions of many excellent writers, and particularly of Mr. Locke, who maintained the principle of "*Salus populi suprema lex est.*" And what should give the more weight to the opinion of Locke upon this point is, that Locke wrote this treatise for the purpose of supporting the title of William III. to the crown, who was his patron. Locke also supported the opinion of many other eminent authors, that the King of England had himself the power of reforming abuses in the representation; and some of the best lawyers were now of opinion, that nothing stood in the way of such power in the crown, except the Articles of the Union, which, however, must always yield to the paramount principle of the "*Salus Populi.*" As to the novelty or danger resulting to the popular voice and opinion they had no support in the Constitution of Great Britain. If the Parliament was a full and free representation of the people, the will of that

people must be manifested equally at the Meeting of Parliament as by a Convention, and they were at liberty, if they thought as he did of the present destructive war, to substitute others for their former representatives, and engage them to adopt that conduct which was agreeable to the popular sentiment, and was therefore the more likely to be conducive to the public advantage.

Having thus submitted the introductory observations which he thought necessary to the subject, his next business was to comment upon the evidence. The few hours which was granted him this morning by the indulgence of the Court, and the kind acquiescence of the Jury, he had industriously employed in disembarrassing the chaos, in tracing it from its rise to its stages and resting places.

The first proof adduced against the prisoner was, the Address of the Corresponding Society, which, however, imprudent or improper it may be, carried with it very little resemblance to a conspiracy against the State, for never before this was it imagined that a grand conspiracy should be conducted through the medium of the newspapers—and all their proceedings were published. To corroborate this evidence, they produced a song found in the possession of the prisoner *Hardy*. Good God! and was a man's life to depend upon a song, which may be sent him by a spy, which may come to him by accident, and were his (Mr. ERSKINE's) house to be searched in the same manner, he could not answer that songs and other writings may not be found sufficient upon this sort of constructive guilt to hang himself and all his family.

Having commented very fully upon the uncertainty of such evidence, and severity of receiving it when the life of a subject was in question, he proceeded to shew that the objects of this address, attributed as criminal to the prisoner, were precisely the same as those avowed and published in the letter of the Duke of Richmond. However industriously it may be circulated with the view of injuring his client, that the term *Convention*, and the denomination of *Delegates* was taken from the proceedings in France, he could easily make it appear that this representation was erroneous. The word Convention did not heretofore sound harshly in a British ear. An Honourable Gentleman, then in Court, (Mr. Sheridan, who, with Mr. Grey, has attended during the whole of these proceedings) sat as Delegate in a Convention at Guildhall in the year 1780, with most of the City Magistrates. The idea of a Convention in Scotland was still less novel. The Parliament having refused, as they had a right to do if they pleased, the application made to them for a Reform in the Scotch Boroughs, a Convention was held in Edinburgh, at which the LORD CHIEF BARON presided, and at which a near relation of his —a relation on whom he greatly prided himself, at the head of the bar in Sotland —— (his brother Harry Erskine) assisted amongst others as a Delegate. Sir Thomas Dundas, whose property and influence were very great in the country, but who was willing to sacrifice his private interests to the public advantage, brought the resolutions of that meeting himself to a Newspaper in London, (the Morning Chronicle) and paid for their insertion.

This Convention was holden in the spring of 1793, and what was remarkable, for want of that accuracy of expression which obtains most in this country, they stiled themselves a Convention, held for the purpose of amending the state of representation in the Scotch boroughs. This had much more the appearance of an assumption of legislative functions than any thing done by the Convention, which was charged as criminal in this indictment. The Duke of RICHMOND who thought and published his opinion that a Convention was necessary to obtain these rights, which he considered as inalienable from the people; and could the Jury with any regard to justice and humanity decide, that what was right, and by many deemed meritorious, in Richmond, should be a crime of high treason when attempted by his client Mr. Hardy. He then went into an eulogy upon the poet Thomson, who in Carlton House, the palace of the late Prince of Wales, found an asylum, when the public was regardless of his merit; and who in that abode of royalty, had the boldness to publish his immortal poem of "Liberty." He added digressively, that by the liberality of the late Lord MIDDLETON, a monument had been erected to this bard in England, and he was happy to be a subscriber to the erection of another for him in his native country of Scotland.

"On Virtue can alone my kingdom stand;
For, lost this social cement of mankind,
The greatest Empire by scarce felt degrees
Will moulder loose away, till, unsustained,
They prone at last to ruin rush.
Unblest by virtue, Government a league
Becomes, a circling junto of the great,
To rob by law; Religion mild, a yoke
To tame the stooping soul, a trick of state
To mark their rapine, and to share the prey.
What are without it senates, but a face
Of consultation deep, and reason free,
While the determin'd voice and heart are sold?
What boasted freedom but a sounding name?
And what election, but a market vile
Of slaves self-barter'd? Virtue! without thee
There is no ruling eye, no nerve in states;
War has no vigour, and no safety peace;
Even justice warps to party, laws oppress,
Their weak authority protects no more,
First broke the balance, and then scorns the two
Thus nations sink, society dissolves;
Rapine and guile, and violence break loose,
Confounding life, and turning life to gall;
Man hates the face of man, and Indian woods
Hide in their savage haunts no beast so fell."

Such were the sentiments which the bard could utter in the Royal residence, nor was there any thing so strong in all the publications of these Treasonable Societies.

The second charge was brought upon a letter from Norwich of the 11th of November 1792, in which they complained of the disposition of the people of Sheffield, to be contented with the moderate Reform proposed by the Friends of the People, whereas they wished for annual Parliaments and universal suffrage. This he made the subject of triumphant discovery in pointing out the inconsistency of the charges, as the Society of Sheffield were accused of the most violent determination, whereas they were proved by this letter to be rather guilty of *moderantism*. The ATTORNEY GENERAL in speaking upon this point, had compared the intended Reform to the Parliament of CROMWELL; and Mr. ERSKINE challenged him to make out the resemblance. The Norwich Address demanded an equal representation of all the people, universal suffrage, and annual Parliaments, without glancing at the KING's authority, or the existence of the House of Lords; but the two latter CROMWELL's Parliament would not acknowlege.

The third point of accusation was the Society of which the prisoner was the Secretary; sending Delegates to the Convention at Edinburgh, in support of which they had read the letter of Mr. SKIRVING. They assert that the Constitutional Society in London was the mother of all the other Societies throughout the kingdom. But it would appear upon examination, that the Constitutional Society composed originally of some of the most respectable persons in the kingdom was revived by the Societies in Scotland and through them arose the Corresponding Society in London.

Granting, what indeed could not be denied, that the London Corresponding Society had sent delegates to the Convention at Edinburgh, still the doctrine of the ATTORNEY GENERAL would not hold true, that Hardy was responsible for the imprudence or excesses of the agents. It was an admitted rule that employers were always responsible for the conduct of their agents; but the responsibility was not extended beyond the purpose of the agency. When persons in that situation proceed to acts beyond the instructions of their agency, the employer is, by reason and law, released from his responsibility. If an agent, employed in a mercantile or any other transaction, chooses to commit a robbery, it would be cruel indeed if the employer was to be hanged for it. In this case the instructions given by the Society to its delegates were clear and explicit. They were to seek the accomplishment of a Parliamentary Reform by all *constitutional means*, and if they exceeded their commission, the fault rested personally with themselves. The Reform demanded by the Society was not what the Attorney General represented—the overthrow of the Government. It referred solely to the Representation in the House of Commons, without the slightest allusion to the House of Lords, or the authority of the Sovereign. In a happy and well-regulated Empire, the laws should in general be equal to all the subjects. It was but lately that Conventions of the People were deemed treasonable, and the treason of such Meetings seemed wholly confined to this island. In Ireland it was notorious that Conventions were held, which were attended by persons of the highest character and property, for the attainment of objects which they thought would be advantageous to the nation. A formidable armed force supported their authority, and they were successful in the accomplishment of many of their purposes. The Government of the Country, fearful of their proceeding to lengths that may be dangerous, passed an Act of Parliament, prohibiting their Meetings, and constituting the transgression of the Act a crime of *misdemeanor* only. They could see no crime in the original Assembly, and such was the offence which was to follow on an infraction of the law.

The proceedings of the Convention in Scotland, and the instructions of the London Corresponding Society were attended by none of those circumstances which constituted high treason. They were attended with no riots, nor did they bring a force to surround the Houses of Parliament. An ardent and impetuous zeal led Lord George Gordon into a situation in which, though both Houses of Parliament were surrounded, and much intimidation used, the lawyers of the crown could not charge him with high treason. Even of the offence with which he was accused he was acquitted, on the score of intention; and it was recorded in the life of that eminent scholar and very illustrious man Dr. Samuel Johnson, that on hearing the verdict upon this occasion, he expressed himself to this effect:—"I hate Lord George Gordon, and the cause in which he is engaged; but as I revere the laws of my country, I am glad that he is acquitted."

The learned advocate then, looking at the clock, said he wondered at the time he had already consumed in this address, and the little progress he had made in the interesting subject. He implored the Jury to favour him with their attention, and make allowance for the difficulties he was obliged to encounter. He had all the authority, and, what was as great, all the abilities of the crown lawyers to contend with; and he had also to remove the weight which may be attributed to the report of the Committees of Parliament, which had only *ex parte* evidence. When he began to address the Jury, he had but very little strength, and even that was at present very much reduced. But still he must proceed. He was here, counsel for himself, his children, for every one who heard him, and for every man in the kingdom; for should this cause fail him, and the prisoner be convicted upon the evidence before the Court, no man henceforward could

sleep soundly on his bed. "Where, (said he) are we to find the limits of this conspiracy? Is every man guilty of High Treason who has belonged to a society, or wished for a Parliamentary Reform? And if every man is not to be tried, why is the prisoner selected? He was only the secretary—the official agent of others. Alas! Gentlemen, should you convict this unfortunate man, you must upon the same principle, deprive the King of half his subjects, and the great towns of Manchester, Birmingham, Suffolk, Sheffield, &c. be in a great measure depopulated. The present melancholy war, which scourges so great a part of Europe, brings daily emigrants for an asylum to this fortunate isle. Proscriptions, cruelty, persecutions, drive them from their own country, and they fly for protection to this land of freedom. What a comforting assurance will not your verdict of acquittal give to those unhappy sufferers, who will find that they were not deceived in the expectations they formed of security and happiness in England. They will find that in the tempest which agitates so great a part of the world, and lowers on the whole globe, there still remains a spot where the contagion has not penetrated, where prejudice is unknown, and where an impartial Jury is to be found, whose verdict is directed by the Polar Star of Justice."

The Papers of the Societies had been seized by Government, and it would be a material disadvantage to the defence, if it had not been otherwise as strong, that the lawyers of the crown had the power of selecting them, and producing no others but what they thought would make for their purpose. But with all their endeavours to represent this Convention in a light so formidable, he would ask if there was any man existing who would conscientiously say, even for a Dukedom and an estate, that it assumed the exercise of legislative functions? For the reward indeed, it may be easy to bring a person to *say*, but he defied him to *believe* it. The greatest offence imputed to these Societies, and in which Hardy was implicated, was their acting upon the principles advanced by Mr. Paine in his Rights of Man. Why then did they not try Paine for High Treason instead of a Misdemeanor. He was himself leading Counsel for Paine, and well remembered the observations of one of their Lordships, now upon the Bench, who tried that cause (the Lord Chief Baron Macdonald.) His Lordship said, the question was not what the people had a *right* to do, but how far the promulgation of these opinions may tend to unsettle the Government. Therefore his Lordship must then have been of opinion, that however unseasonable or improper the declaration of these rights may be, they were not of that flagrant enormity to constitute the crime of High Treason.

He then quoted the well-known doctrine of the late venerable EARL MANSFIELD, to whose memory he paid the highest compliments, and in the most affectionate language, on the law of libels before it was settled by the late act; and argued that though a man may be guilty of a libel by the act itself without any intention, yet it was impossible that he could be guilty, without intention, of high treason as laid in this indictment. In the latter case, and without an overt act, the prisoner could not be convicted even upon the principle of *voluntas pro facto*, and in the former case, the law sometimes allowed *factum pro voluntate*. The Lord Chief Justice Clerk had indeed laid down as a rule in Scotland, that a man may be guilty of treason without knowing it, and he admitted that with some distinctions it may be true. But to compass and imagine the death of the KING, being dependent on the mind and understanding, could not possibly be entertained by any person without knowing it.

Those who thought as he did, that a reform in Parliament was highly necessary, and the surest means of preventing a Revolution, could see no treason in recommending such a measure. On the contrary, it was the most likely mode of strengthening the King's authority, and those who were its advocates should be rather considered as doing his Majesty a service than compassing his death, or conspiring against his dignity. That the Convention which met in Edinburgh for the purpose of procuring a Reform, neither possessed or assumed any power, was evident from the mode of its dispersion. Skirving, the President, it was true, not thinking himself in the act of doing any thing illegal, refused to quit the chair until compelled to it by force; but as soon as that force was in a gentle manner applied, the Convention was without further trouble dissolved, and its dissolution immediately followed by the trials and convictions of Skirving, Muir, and Palmer.

The legality of these convictions it was not now his business to discuss. It was possible that ere yet he may have an opportunity of doing so; but he was ready to declare openly his most decided opinion, that the parties were wrongfully convicted. He conceived them to be every way illegal. They were denied their challenges to the Jury, and their objections to the points of law and to the evidence were improperly overruled. They had no precedent in the jurisprudence of Scotland. No such trials had ever taken place before, and he verily believed no such trials would ever take place again.

He was ready to admit that many of the resolutions of the Corresponding Society were warm and imprudent, at the same time that he considered many of them to be very right, with a very obvious application; they mentioned their detestation of the infamous *Jefferies*, and what Englishman breathed that did not do the same? We cannot forget what our ancestors did for us on that occasion, and there was nothing blameable in their declaring that they were ready to do the same. Stonger declarations were made

on the expulsion of Mr. WILKES from the House of Commons, when the Parliament were told, that in consequence of that proceeding, it had no authority to make laws, and would not therefore be obeyed. Yet nobody then thought of converting those declarations into acts of high treason. Jefferies refused his fellow subjects the administration of the laws. His conduct to Sir Thomas Armstrong must exasperate the feelings of a *Briton*. Sir Thomas protested his innocence, and requested leave to vindicate it; to which the Judge returned this answer—"Sir Thomas, you may pride yourself as you please upon your innocence, but you shall be *hanged* next Friday"—The Judge was as good as his word, notwithstanding the tears and intreaties of the Lady his daughter, who at last imprecated curses against the inexorable Jefferies, which were heard and fulfilled. The very next Parliament declared it to be a murder, punished the ATTORNEY GENERAL, who prosecuted Sir THOMAS ARMSTRONG, and ordered his property to be restored.

He then commented very forcibly on the inequality in the distribution of justice, when a CONVENTION which was legal in Ireland was made sedition in Scotland, and high treason in England. It did not appear from the proceedings of the Committee of Union and Correspondence, or from any other evidence, that the Convention proposed to be held, but not actually held in England, was to differ from that which was held in Scotland, for the express words were "another Convention."

If the Government thought these proceedings really treasonable, why not interrupt their progress. PAINE'S book, which was considered as the foundation of the whole, was published twelve months before any prosecution was brought for it; and the written evidence in the indictment was published in all the newspapers, without any intimation to the parties that their proceedings were treasonable. The first step taken, was on the day when an Honourable Gentleman, then in Court (Mr. Grey), made his motion for a Parliamentary Reform, when a Proclamation was issued to alarm the public, and prepare them for succeeding events.

He then detailed the proceedings which were artfully adopted, for preparing the public mind for the present prosecutions, as well as the ruinous war in which we were unhappily engaged. There were many persons in this country as well as elsewhere, who entertained the opinion—that the people of France had a right to choose a Government for themselves without consulting the pleasure of their neighbours. Such a Government they did choose, and that choice in the progress of events led to the ruin of their country. They had now neither laws, religion, subordination or security for their property; and here he thought proper to add, that in all the proceedings of the Popular Societies in England, there was not a single expression by which it could be inferred that property was not to be respected. A confederacy of foreign despots roused the French to arms. The external pressure upon the nation gave rise to internal convulsions, and had foreign powers adopted towards them a contrary conduct, he was of opinion, that the barbarities would have been avoided, which now disgusted and shocked the feelings of mankind.

The prisoners certainly incurred no guilt by having a correspondence with France as late as November, 1792. The French, whether sincere or not, continued to express a friendship for this country, and a desire to be on amicable terms with it. Assailed, as they were, by formidable foreign enemies, and contending for their liberty and independence, a man may easily feel for their situation, and yet be a good citizen and lover of his country. Mr. Burke in the American war said, that every victory gained over America, he felt as a blow upon his heart. That he could not hear without pain of names dear to him from his infancy, and that the name of Kniphausen with his Hessians in our land, sounded unpleasantly in his ears: yet deservedly high in the reputation of this great man, though, if the same language was now used by Orator York, or any other Member of those Societies, it would be instantly converted into a crime of High Treason.

It was in consequence of a letter from Scotland, that the meeting was called for convening a Convention. On the arrival of the Hessian troops, their innocence betrayed them, and so far were they from observing the silence of conspirators, that they published their resolutions to the world. While they, as well as the rest of the nation, were every day expecting that Ministers would propose a Convention Bill, stronger measures were pursued, and the parties taken into custody. The object of the intended Convention was, according to the evidence for the Crown, to be the same as that of the Convention in Scotland; and they had it from the same evidence, that instead of employing force or arms, their intention was to renew their petitions to Parliament. In the whole of their proceedings, there was no design mentioned against his Majesty's person or government. Not a violent expression was said to be uttered by the prisoner at the bar. Let the Jury look at his countenance, and see if it indicated a man capable of harbouring such a detestable intention as that of murdering an innocent and illustrious Monarch, the head of a flourishing family, who never injured any one, and whose life was a model of morality and religion.

Having said so much for the written, he came next to consider the parole evidence adduced, and first on the subject of the *Pikes*, which were thought so very alarming. A very witty gentleman, (Mr. Courtenay, we believe) in speaking upon this subject, humourously remarked, that in the eagerness of discovering, the loyal man,

who first cast his eyes upon a pike, hung over it in all the extacy with which a fond mother contemplates her first-born babe. He wished the Jury to consider what little reliance they could have upon the veracity of the most of the witnesses called in favour of the prosecution. They must have observed besides the improbability of their relations, that some of them could not avoid contradicting themselves; and a man, who on his oath was capable of deceiving them in one particular, certainly deserved no credit for any thing he may say. From the general testimony it appeared that the insults which the Societies received, and the attacks which they sustained, on being fired at through their doors, and other kinds of outrage, first induced them to provide arms for their personal protection, and to resist any illegal dispersion of their meetings. The only way in which the prisoner was implicated in this charge was by a letter from Davison, found amongst his papers, describing the shape and construction of some arms he was desirous to procure. What, exclaimed the advocate, what is become of the humane sanctuary of the English Law, if such is the evidence to take away a man's life? How was Hardy to avoid this fellow's sending a letter to him, if he thought proper to direct it? Could I, could any of you, Gentlemen, prevent a letter of this kind being sent to us? And should it be made evidence to destroy our lives; or, what is more, our reputations?

It is proved to you that the letter remained three weeks in his possession; that he never answered it; and that inclosed in it was a letter to another, which he never forwarded. What proof, what presumption of guilt is there then against him? May not some of the vile spies of Government have sent this letter to operate his destruction? A letter from a man he never saw, he never knew, and is it upon this evidence you are called upon to shed his blood?

The first witness, *Camage*, swore, that he procured arms in consequence of insults offered to the Societies, and shots fired under their doors, but without any intention of employing them against the Government. The witness thought, and he was right in thinking, that he had a right to have arms for his personal protection, a right confirmed to him by the Bill of Rights; and he made a passage from the bill in support of his position. But this had nothing to do with Hardy, for Hardy had no pike. Brummel armed, in consequence of the insults received by the Society in Sheffield; Widdeson loved the King, was an advocate for the Duke of Richmond's plan, and armed in his own defence; Hillier's testimony was to the same effect; and such was the evidence by which they attempted to support the charge of an attempt to overturn the Constitution, against the innocent prisoner at the bar. He called him innocent because he thought him so, and that in the eye of the law he must be so, till convicted by a Jury. That his character and deportment were humane, mild and inoffensive, moral, religious, and in every respect amiable, he would prove by as many witnesses as they (the Jury) may please to hear. Nothing was fixed upon him but by ruffians of spies and informers. He could not boast of eloquence himself, but even if he could, it would be impossible to describe truer colours than those of Mr. BURKE.—He then repeated a long quotation from the writings of this gentleman (which we would readily extract if the work was now before us). He describes spies and informers as the pests of society, blasting the social intercourse and harmony that should subsist betweeen man and man, dangerous and detestable—that no safety could exist if men's lives depended on their evidence; and that he would rather live under the despotism of Turkey than a Government that employed them.

Finding that nothing was to be done with pikes, the prosecutors had recourse to such evidence as a miserable knife could afford them. They brought forward Groves, an Old Bailey Solicitor, a spy, a wretch of such execrable infamy and turpitude, that he forced himself into the Committee for conducting the prisoner's defence, that he may be acquainted with his secrets and regulate his evidence the better. But the villain had not the dexterity to evade detection in his cross-examination, and he pledged himself to the public that he should be prosecuted for perjury. The wretch to make his story more plausible, gave the improbable relation that when Hardy referred him to Green to buy a knife, the latter whispered him in a low voice, "Hush! you must take care for the door is open, and my wife is a d—n'd aristocrat." When Green, however, was called, it appeared that these knives were no uncommon article; that they remained constantly exposed in the window of his shop; that he sent Hardy seven in order that he might choose one out of them; that after Hardy was arrested four of the knives were returned; and lastly, that not a word passed between him and Groves respecting his wife's being an aristocrat.

Lynam, who was also a spy, and told the most extravagant stories about the KING and Mr. PITT's heads on Temple-Bar, &c. &c. after such specimens, to believe spies and informers would be a credulity which he did not supect an honest Jury could possess. Driven out of every other point of accusation, they endeavoured to criminate him by a charge which, whatever impression it might have made upon the Court and the Jury, he must own struck him with horror. This was an attempt to involve him in the crimes of Watt who was himself a spy, and finally "caught a tartar," as he was lately executed for treason in Edinburgh. The schemes attributed to Watt were as extravagant as they were wicked. Such a miserable mob to swallow up a powerful country was like John-

son's hyperbole of "a mighty City destroyed by the overflowing of its own channels." On the part of Government also there was an extravagance of another kind, for it was rather too much, first to set up a spy and then to hang him too at the expence of 50,000l. But suppose that Watt was villainous enough to harbour the design of murdering the Judges, seizing upon the banks, and sending an address to his Majesty ordering him to put an end to the war—Supposing all this improbable story to be true, what was it to Hardy? Watt said he would write to Hardy; but did they find the letter? No. Yet if the letter had been sent and found amongst his papers, that would be no proof, as no man can prevent another from sending him a letter. Watt, it was true, had been executed for his offences, and that execution was but a prelude to the scenes intended to be performed in this country. It was a rehearsal of the law of High Treason, which England was to learn from the Lord Chief Justice Clerk at Edinburgh. Downie, who was convicted as the accomplice of Watt, and was in the room when he proposed his treasonable projects, the Government did not think fit to execute, nor did they, he believed, mean to execute him. How then could they demand the blood of the unfortunate and innocent prisoner for the expressions of a man with whom he was no accomplice—whom he had never known or seen? How, indeed, were men to live in tranquillity, if they were accountable with their lives for what others may think proper to say?

"The learned and eloquent Advocate, who by this time grew exceedingly hoarse, and appeared greatly exhausted by his exertions, assured the Jury, that long as he had detained them, he was obliged to abridge considerably the observations which suggested themselves to him on this momentous occasion, so important to them all, and he felt his want of strength to do justice to the cause. They knew the indictment against the Prisoner. They saw that he was accused of compassing the death of his most sacred MAJESTY, and in very pathetic tone and language, reminded them that before they convicted him upon the charge, they must *believe* it to be true. It was not sufficient that they believed him culpable; that they disapproved of his conduct which was by no means proper; they must give him the benefit of the laws of his country, and not find him guilty of High-Treason, because his behaviour was blameable. The Constitution of England did not allow the slightest punishment to be inflicted on a subject, unless he incurred it by a transgression of the law. They were now in the discharge of the most important function with which man can be entrusted—that of deciding on the life or death of his fellow man. The rules of evidence by which they were to be directed, they could find in their own hearts—they were to be found in the charities of religion, in the philosophy of nature, in the wisdom of experience, in the sympathies of the soul, in the feelings of christian man for christian man. They must judge of the prisoner, their fellow creature, as they hope God shall judge of them."

The State Trials of this country afforded us lamentable proofs of the infirmity of human nature. In them may be found precedents of convictions lamentably shameful; but posterity stigmatized them with the infamy they deserved, and they existed no longer than the spur of the occasion which gave them birth. The execrable sentence pronounced upon Lord Russel was burnt by our ancestors as a charitable covering for the shame of their contemporaries. How ill-placed the delicacy! How unmerited the charity! The infamous sentence should be recorded and blazoned, to terrify unjust Judges, and packed and partial Juries, from the abuse of that power with which the Constitution had invested them.

"We now live, (said he,) in times of crisis, and big with important events. If justice did not demand of us its rights, even policy should extort them at a period when desarts are starting up in countries the most civilized. Be it the rule of Great Britain to hold out the strict letter of its laws, as a security against those alarming fluctuations that are now prevailing in the world. Facts are now passing under our eyes more impressive by far than any thing we can derive from reading; but history has abundant materials to afford a warning to this country.

Brabant, once flourishing in commerce and in riches, was not contented with its condition, but demanded the *joyeuse entree*, wishing for that constitution which the Duke of Burgundy offered them. The Emperor conveyed his answer with an army which gave them such a peace as reigns in Ætna or Vesuvius. Yet Brabant might still have been happy, and the French, the Giants of the modern day, might have invaded it with the same success as the Titans assailed heaven, if the Brabanters would defend themselves. But they wish for innovation, and they are punished accordingly.

On the other hand, those who possess power should learn to use it sparingly—to exercise it for the happiness of the people. We have Sovereigns on the Continent who forget themselves in their pride, and trample on the people—we have seen them fly with the PRINCE of SAXE TESCHEN, while the French made their *joyeuse entree*. We have seen the pride and insolence of Great Britain dissever from our Empire the Colonies of America. We vainly attempted to tax them, as Mr. BURKE once said, for the advantage of the skip-jacks.

If we wished for revenue, empire and commerce, we must look for them all in the constitution of our country. The fidelity of our army does not depend upon our Mutiny Bill, nor that of our navy upon naval discipline. We owe

them all to their love for the country and its constitution—to the love and affection of the people. Without that our army would be no more than a base rabble, and our navy as rotten timber.

"Gentlemen, while we avoid innovation, let not the fear of it lead us into injustice. Let us not conjure up a spirit to affright ourselves. You must be just and merciful, and spare the life of a man who asks it on no other terms but those upon which you hold your own. I must now commit you to the direction of God and your consciences. I have scarcely since the commencement of this trial had any thing which could be considered as my natural rest, I am exhausted in spirits, but at the same time confident in the expectation of justice."

Lorinau Goddard was called.

Q. Was you a Member of the London Corresponding Society? A. I was. I belonged to division No. 2.

Q. Did you attend regularly? A. I have never missed a Meeting for two years; but I declined being a Member when Hardy was apprehended.

Q. Did Hardy attend regularly? A. It was very rare that Hardy absented himself.

Q. Had you frequent communications with him? Did you often call upon him? A. I very often called upon Hardy.

Q. What is your opinion respecting Hardy's disposition? A. He was of a remarkably peaceable disposition; and very much a friend to good order.

Q. Do you recollect any instances? A. Once when the Society was threatened to be dispersed, Hardy gave orders that no member should bring with him to the meeting any offensive weapon, not even a stick.

Q. For what purpose was your Society associated? A. For a Parliamentary Reform.

The Lord President. The witness's answering questions now, will be no excuse for declining the answer of questions hereafter which may affect himself.

Q. Had Hardy any intention of overthrowing the Lords, or changing the Crown? A. Never. He conversed frequently with Hardy on political subjects. He thinks he knew Hardy's sentiments perfectly well; and believes that the prisoner was inimical neither to the House of Lords nor to the Crown: Affirms, that Hardy never produced nor communicated to him any letter from Sheffield about pikes.

Cross examined.

Attorney General.—What do you know about the Sheffield letter? A. Never heard of it.

Q. Was you at the Globe Tavern, and at Chalk Farm? A. At both places, where every thing was conducted in a proper and peaceable manner.

Q. Are the printed Resolutions so far as you remember, correct? A. They are; and I think them constitutional.

Q. Was you present when Delegates were sent to the Scotch Convention? A. I was not.

Q. What do you know of the Secret Committee? A. I heard of a Secret Committee; but I neither knew who were the members, or what they did; and I believe the whole transactions of that Committee were concealed from the Society at large.

Q. Did you ever hear who were appointed Delegates to the Scotch Convention? A. Heard that Margarot and Gerald were.

Q. Do you know of a circular letter respecting the Convention in Scotland? A. Heard of it at the division.

After several other interrogatories, the witness answered, that no songs were ever sung in the Society; that he never sung one called "*God save the Rights of Man!*" That he cannot repeat that called "*Blank, Blank*, the true:" That he had all Thelwall's songs in his possession, and thought them harmless; but that he could not recollect the titles of any.

Francis Dowling was next sworn. He said that he was a member of Hardy's division; that the Society had no other object than to obtain a Reform in the House of Commons; that he had no idea of opposing the Government; that Hardy was a peaceable and orderly man; that he dined at the Crown and Anchor on the 2d of May, but does not remember the Toasts or the Music; that he was at the Chalk Farm Meeting, but does not remember the Resolutions; that he knew no particulars of the Pikes, or of the Secret Committee; that he never heard of a paper relative to the *Ins* or *Outs*, nor of the Bill about *George's Head in a Basket*.

Alexander Wills, dancing-master, Harley-street, was next called. He mentioned that he had been a Member of the London Corresponding Society for two or three years; and gave Hardy a very good character.

Alexander Hunter, formerly hair-dresser and perfumer, made a similar declaration.

William Barcley swore, that Mr. Hardy had lived Foreman with him for seven years, and that he had always known him to be of a peaceable and orderly disposition. Being asked whether he was a member of any political Society, he replied in the negative.

Mr. *Oliver*, a Dissenting Clergyman, deposed that he had been acquainted with Mr. Hardy, for four years; during that period he had frequently called on him, and had conversed with him on various subjects, religious and political, —that he had been shewn by Mr. Hardy a paper purporting to be the resolutions of the London Corresponding Society, which Society he understood to be instituted for the purpose of obtaining a Reform in the Commons' House of Parliament on the same plan as the Duke of Richmond's and Mr. Pitt's. Being asked when

he had seen Mr. Hardy last, he replied that he had seen him since the Report of the Secret Committee of the House of Commons; but upon recollection he believed that he had seen him last in May.—The witness declared, that he had never been a member of any political society, that he sincerely believed Mr. Hardy to be a peaceable and quiet man, and a sincere Christian; by the expression sincere Christian he begged to be understood to mean that Mr. Hardy was a man who feared God and honoured the King.

Cross examined by the ATTORNEY GENERAL.

He declared that he had never seen a paper containing the resolutions voted at Chalk Farm; nor could he charge his memory with having been shewn by Mr. Hardy the proceedings of the London Corresponding Society in the 20th of January last. He did not know that Mr. Hardy belonged to a society which favoured Mr. Paine's Rights of Man, or that he was a friend to the principles defended by Mr. Paine. For his own part he was very little acquainted with Mr. Paine's works which he had only read in part.

Being questioned as to his knowledge of any correspondence between Mr. Bond, a Dissenting Clergyman of Portsmouth, and Mr. Hardy, he replied, that he did not know of any such correspondence, but that he had once heard Mr. Hardy mention Mr. Bond, and that he had once asked him whether he had any acquaintance with that gentleman.

To a question from the ATTORNEY GENERAL relative to Mr. Hardy's going down to Portsmouth to visit the convicts, he replied that he never knew that any such visit had been paid by Mr. Hardy.

Mr. *Daniel Stuart* was next examined.

Q. You are Secretary to the Society of the Friends of the People?

A. I am not Secretary to the Society at large, but I have acted as Secretary to the Committee of the Society.

Q. What knowledge have you of Mr. Hardy?

A. I have seen Mr. Hardy frequently. I saw him many years ago; but I was not in the habit of speaking to him till about two years ago.

Q. Do you know any thing of a letter having been sent by the London Corresponding Society to the Friends of the People?

A. Yes. The London Corresponding Society did send a letter to the Friends of the People, and when the letter was answered I delivered the answer to Mr. Hardy. Since that period I have seen him frequently.

Q. Had you any conversation with him about the objects of the Society?

A. Frequently.

Q. What did he say were the objects of the London Corresponding Society.

A. A Reform in the Commons House of Parliament.

Q. Have you ever conversed with him about the means by which he proposed to accomplish that object?

A. Yes. The means, he informed me, were to instruct the people about the bad state of the Representation of the people in Parliament; to increase the number of the Members of the Society, and to present Petitions to Parliament. To the period of his apprehension I believe I saw him once, twice, and sometimes thrice a week.

Q. Had you reason to suppose that he placed confidence in you?

A. He placed great confidence in me. In general we coincided in opinion; but differed very materially in one point. He wished for the Duke of Richmond's Plan of a Reform, and said that would be the plan at last; and I observed in reply to this, that I did not think the Duke of Richmond's Plan the best.

Q. Had you any conversation with him about holding a Convention?

A. I do not recollect any particular conversation on this subject, but I have no doubt that I have conversed with him about a Convention.

Q. What did Mr. Hardy's character appear to you to be?

A. Mr. Hardy always appeared to me a man of simple and unoffending manners; and the last man in the world to use violence. He always talked of effecting his purpose by peaceable and constitutional means; and his character seemed to me to be quite the reverse of that of a violent man.

Cross-examined by the ATTORNEY GENERAL.

Q. You are Secretary to the Friends of the People?

A. To the Committee of that Society, not to the Society at large.

Q. You know that there is a Society called the Constitutional Society?

A. I do.

Q. You know that that Society rejected all correspondence with the Society of the Friends of the Pople?

A. Yes.

Q. Do you know that Mr. Hardy was an associated member of the Constitutional Society?

A. I never heard that he was.

Q. Do you remember Lord John Russell's Letter to the Constitutional Society?

A. I do.

Q. You also remember the Correspondence between your Society and a Society at Sheffield?

A. Yes. The first letter was sent in May 1792.

Q. Do you recollect a letter sent from Sheffield, objecting to the Society of the Friends of the People, because they did not pursue the Rights of Man?

A. I have no recollection of any such letter.

Q. Do you not know that the London Corresponding Society was proceeding upon the grand plan of Reform proposed by Mr. Paine?

A. I do not.

Q. Have you seen the Resolutions of the London Corresponding Society of January last, and the Resolutions passed at Chalk Farm?

A. Yes.

Q. The Friends of the People, I believe, declined all correspondence with the Constitutional Society?

A. They did.

Q. Then you do not know that Mr. Hardy was an associated member of the Constitutional Society?

A. I do not.

Q. Several persons were members of the Society of the Friends of the People, and of the Constitutional Society, even after the two Societies had ceased corresponding with each other?

A. I have no certain knowledge of that circumstance, but I believe that several persons did continue members of both Societies.

John Barr declared that he had known Mr. Hardy twenty years, and that he had always had the character of a peaceable, sober, worthy man, not likely to do a violent action.

John Stevenson swore that he was a Coal-merchant, that he had known Mr. Hardy eight or nine years. That he was no member of any political society: that Mr. Hardy's disposition was most peaceable, mild, and quiet; and that no man's moral character was more excellent.

Alexander Gregg deposed that he had been acquainted with Mr. Hardy for seven years, and that he knew him to be a religious and quiet man.

Alexander Stevenson who had known Mr. Hardy twelve years, gave him the same excellent character.

The Reverend *John Stevens*, a Dissenting Clergyman swore that Mr. Hardy was a member of his congregation, and that he always believed him to be a man of most unexceptionable character.

Peter Macbean deposed, that he had known Mr. Hardy for seventeen years, and that he had always borne a very amiable, civil, and religious character. The witness declared that he was no member of any political society.

Cross-examined by the ATTORNEY GENERAL.

He declared that he had ceased to be a member of any political society for two years; that he did belong formerly to the London Corresponding Society, division No. 8. He did not recollect that the society had any thing to do with Mr. Paine's Rights of Man.

A. Gordon swore that he had known Mr. Hardy for twenty years, during which time his character was sober, honest, industrious and peaceable.

J. Boag, who had known him ten years gave him the same excellent character.

In his cross examination he said that he once belonged to the London Corresponding Society, division No. 5, but that he had ceased to frequent the Society for two years.

James Hardy deposed that he had known Mr. Hardy for fourteen years, and that he bore the best of characters.

It being now nearly ONE o'clock, the Court adjourned to Monday morning, EIGHT o'clock.

A report having been circulated among the persons assembled in great numbers on the outside of the Court, that Mr. Hardy had been acquitted, the people expressed their joy by loud and repeated huzzas.

End of the Sixth Day.----To be continued Daily.

TRIALS FOR HIGH TREASON.

TRIAL OF THOMAS HARDY FOR HIGH TREASON.

OLD BAILEY, MONDAY, NOVEMBER, 3.

SEVENTH DAY.

AT eight o'clock this morning the Court met pursuant to their adjournment on Saturday night, and proceeded to business.

PRESENT,

Lord Chief Justice EYRE, President,
Chief Baron MACDONALD, | Judge BULLER,
Baron HOTHAM, | Judge GROSE,
The LORD MAYOR, &c.

The Counsel for the Prisoner, after the necessary formalities, proceeded to call witnesses who were nearly all in the same story, some to the character of Hardy, and others to the intentions of the Political Societies.

Mr. ERSKINE informed the Court, that it appeared the letter which had been sent from Davidson, at Norwich, to Mr. Hardy, relative to pikes, so far from being communicated to any one, was not opened.

Mr. KING, one of the Messengers, swore that he found the letter in Hardy's possession unopened.

DAVID MARTIN was sworn, in order to give evidence that the Society at Sheffield had not acted in a treasonable or seditious manner. He was an Engraver, and had lived at Sheffield these twelve years past. He became a Member of the Constitutional Society in that town three months after its commencement; he went there for the purpose of obtaining a Parliamentary Reform by legal and constitutional means; and he had every reason to think that no other Member of the Society entertained a different opinion; not one entertained the most distant idea of accomplishing their object by force of arms. When the Society to which he belonged sent Delegates to Scotland, it was the same object they had in view: they hoped that it might be accomplished when all the Societies, co-operating with each other, by means of their Delegates, should be able to obtain, by petition, that which the petition of a small body of men could not effect. Their petition to the House of Commons had been rejected; but they did not conceive that could be the case when the general sentiment of the people should be conveyed. If he thought the Society had any other object in view, he would not have remained a Member of it. He never could collect, nor did any one ever believe, that the Society had the smallest intention of any thing that affected the life of his Majesty, or his Crown or dignity, nor of destroying the House of Lords.

He was cross-examined by the ATTORNEY GENERAL, and asked if the business of the Society was not managed by Committees; to which he answered in the affirmative; and he said, that he himself had been made a Member of the Constitutional Society in London, but did not recollect any letter desiring him to become one. He had seen the proceedings of the Convention in Scotland, as they appeared in the Edinburgh Gazetteer, and some of them he did not approve of. He had heard of the Resolution that had been entered into at the Castle-hill, in Sheffield, to petition Parliament no more, which he might probably have disapproved of. He knew Mr. Yorke both in private and in public: they differed in opinion, but he could not recollect the specific difference between them. He was asked whether the motion that had been made to petition Parliament was not designedly made, for the purpose of being negatived?—He answered, that he did not

know; but it was the intention of the Society not to petition Parliament. The proceedings which took place at Castle-hill were published, as well as Yorke's speech at that meeting.

Edward Oakes examined.

He had been a Member of the Corresponding Society at Sheffield since the year 1791. Their object was a Parliamentary Reform by peaceable means, and no other; and it was with this view that they sent Delegates to Scotland. They had no design whatever against the KING, or the Government of the country. They had no idea of attacking it, and this he swore with a very solemn degree of earnestness. He never heard of any proposition for making pikes till they had been threatened and attacked by the opposite party, and complaints made of it in the Society. Being asked what he meant by the opposite party? He said some individuals in the town, and not the Government or Magistrates.

Cross-examined.

He did not know that the Sheffield Society was associated with that of London. Was present when they resolved not to petition Parliament any more, finding their former petitions had been rejected; but believes it was their intention to petition His Majesty. He did not know of the letter of the 14th of March, 1792, respecting the Rights of Man, though he had entered the Society in the year 1791. But to account for this, he said, that they entrusted the management of a great part of their affairs to their Committee, who were not accustomed to read all their proceedings to the Society at large.

At this time one of the Sheriffs observing, or thinking that he observed some noise in the Student's Gallery, called to tell them that if they did not pay more attention to the Court, he would *turn them all out*. He said he had his eyes upon them for some time.

The LORD PRESIDENT. "Gentlemen, this is not the first time that this has been remarked to me; and I expect from you an example to be shewn of good behaviour to others. If you do otherwise, you will disgrace yourselves, and greatly insult the Court."

The witness then read aloud the letter which was handed to him, mentioning their forming a correspondence with the London Constitutional Society, and also the letter of Hardy, which advises their distributing themselves into small divisions for the more convenient propagation of their principles. He never heard this letter communicated to the Society, but cannot say that it had not been communicated, as he did not regularly attend at their meetings. Does not know Brown the Delegate to the British Convention, and Editor of the Patriot; but read several extracts from that publication, as inserted in the Sheffield Register.

He then read the Resolutions of the Sheffield Society, offering thanks to Paine for his book of the Rights of Man, which, he said, were circulated by them through the town and its neighbourhood; but that was *before* the Work had been declared to be a libel. He was asked, what was the usual number of the Society? He said it amounted to some hundreds. Why then did they say, in some of their publications, that their numbers exceeded 2,000? He said that mistake might easily be committed, as many persons attended the Meetings who were not regularly admitted as members. What were they to have done if Government attacked them? They would have submitted.

Daniel Stuart examined.

This witness who had been examined before, now produced a letter signed, *Aston*, Sheffield, 14th May, 1792. The Society of the Friends of the People had on the 26th of April published their declaration, and this letter from Aston, President of the Sheffield Society, contained a full approbation of it, and expressions of attachment to the Constitution; and proposed that the different Societies should send deputies to London to co-operate in obtaining a Parliamentary Reform. To this the Friends of the People returned a civil answer, encouraging them to proceed in the same principles of moderation, observing that Liberty was in little danger from its open and avowed enemies, but may suffer much from the indiscretion of its friends, which their dextrous opponents were careful to avail themselves of, &c. To this they had a reply from Mr. Aston, greatly approving of the answer he had received.

Mr. ERSKINE then read the declaration of the Friends of the People, which appeared at the time in all the newspapers, and observed, that the Jury must perceive by the signatures annexed to it, that the subscribers, though they may possibly be deceived, could have no designs against the Constitution. He then read over the names of those Noblemen, Members of Parliament, and other Gentlemen, who signed the Declaration; and produced a smile in the Court, by the vivacity with which, on coming to the name of the Hon. THOMAS ERSKINE, M. P. he said, "meaning ME, Gentlemen."

Mr. *Stuart* was then cross-examined by the ATTORNEY GENERAL. He said that on the 24th of May he took the letter in answer to that of Aston to Mr. Grey at the House of Commons, to be signed by him as chairman, and sent it off by the post that evening. What was Mr. Aston? A tanner. Was it of his own fancy that he addressed him by the title of Esq.? No: It was at the desire of the Committee. Did the Committee know Aston's situation in life? He believed not at that time. Did he not hear of Aston's letter of the 26th of May to the Constitutional Society in London, denouncing the moderation of the Friends of the People? No.

It was then observed, that as a letter takes two days in its way to Sheffield by the post, this letter to the Constitutional Society of the 24th of May must have been written on the same day, on which he received the letter of the Friends of the People, dated 24th of the same month.

Did he know that the Society of Sheffield had twelve Members associated to the Constitutional Society of London? He did not.

A very respectable list of names had been read, subscribers to the declaration of the Friends of the People. How many of these had since left that Society? About a dozen. Were not some of that Society Members also of the Constitutional Society? Some of them were then mentioned, and amongst others, we think, Lord John Russel, Mr. Dudley North, Mr. Curwen, Dr. Towers, Mr. Cartwright, Mr. Thompson, Mr. Wharton, &c.

How long has Mr. Wharton been a member of your Society? He belonged to it before I had any connection with it.

Do you not usually inquire into the description of people before you direct letters to them? We do.

Was Lord Daer a member of your Society? He is.

Did you not know that he was a delegate to the Scotch Convention? Yes.

Does he still remain a member? He does.

Mr. ERSKINE. Lord Daer, one of the sons of Lord Selkirk, was known to be a Delegate to the British Convention, and no motion has in consequence been made to expel him from the society. Is not that so Mr. Stuart? It is.

The ATTORNEY GENERAL pressing the witness with respect to the inconsistency of Aston sending letters of so different a complexion to the Friends of the People and the Society for Constitutional Information, apparently on the same day,

Mr. ERSKINE, in order to conclude an examination which appeared to him more tedious than interesting, asked Mr. Stuart if he ever knew of a man changing from a Monarchy-man to a Republican in the interval of one post?

The ATTORNEY GENERAL said, that he had better ask him if he knew a man change from a Reformer to a Traitor in the same post?

The LORD PRESIDENT expressing his disapprobation of this kind of retort, the examination of Mr. Stuart was for the present closed.

William Jewsnap examined.

The witness is a razor-maker, and a member of the Society in Sheffield, from first to last. He deposed that their object was a Reform in Parliament, upon the plan of the Duke of Richmond, and by means of a petition to Parliament. This was always the general object of the Society. If they had any intention or disposition to subvert the King's authority, he would not have remained amongst them. Their instructions to their Delegates were to act upon the same principles. He saw people threaten, and even assault the members of the Society. Their reason for publishing the Duke of Richmond's letter to Col. Sharman, was to let the public know what it was they were aiming at. He was at the Meeting at Castle Hill, when the mode of proceeding by petition to Parliament was negatived; but he does not know that the motion was put for the purpose of being negatived. He knows Brown the Delegate, but knows nothing of his paper called the Patriot. He thinks it was the intention of the Society to petition the KING, as they had so little success with Parliament. He knows nothing of the pike-business so much talked of; and being asked whether the Meeting at the Castle-Hill, when they negatived the motion for a petition to Parliament, meant that the Convention of Delegates should not present a petition? He answered that they had no such intention.

Edward Smith, cutler, became a member of the Sheffield Society in 1791, for the purpose of obtaining a Reform in Parliament upon the Duke of Richmond's plan, and have the *glorious accounts* of 1688. He described the ill treatment which the members of the society experienced from the opposite party. They were much alarmed by a letter, distributed about the streets, calling upon the inhabitants to fall upon the *Democrats* and destroy them. Whenever any good news arrived from the Continent, they fired in at their houses, and even fired into his window when he was asleep.

Cross-examined.

Mr. GARROW in the cross-examination availed himself much of the deplorable ignorance of this old man. Though he had no musket or pike for his own defence, he applied to no Magistrate for protection against the threats and ill usage of his persecutors, nor did he make any application to that effect to the Secretary of State. He acknowledged, though rather reluctantly, that his Society had distributed hand-bills, exhorting the people in the same words as those of the other bill of which he complained, to arm for the protection of their property. Of the plan about which he was so sanguine an advocate, he appeared to have very little conception. The Duke of RICHMOND's plan, he said, was a free representation, and Mr. PITT's plan was, that "every man should have his voice." Being asked if he had not a cheap edition of Tom Paine's book of the Rights of Man? Aye! said he, and I have seen the other too. You of course thought it a very excellent book? Aye, that I did. I liked it very well. Were there not many thousands of that work circulated amongst the cutlers by a subscription of the Society? That and some few other books were circulated by subscription. This subscription was only amongst a few friends.

The Counsel then read the passage against heritable thrones, where the people were represented as flocks and herds, and asked the witness if that was a passage very favourable to Kings? He answered that he believed Paine was no great friend to Kings, but that neither he nor his society ever minded these passages about Kings: All they wished was a Parliamentary Reform. Several other passages were read, to which the answers were so stupid that we shall not tire our readers with them.

He was at the Meeting at Castle-hill; did not know that the motion for petitioning Parliament was only put that it may be negatived; the question was carried by a shew of hands; did not know that the Motion was seconded, or that any other hand was held up for it but that of the person who made it. He was also at the celebration of the Fast Day, and never heard that his Society had sent any Address to France. These witnesses having so frequently repeated, that their object was a Reform in Parliament, according to the Duke of Richmond's plan, Mr. ERSKINE thought it would be proper to give that plan in evidence, and the next witness called was

His Grace of Richmond.

Mr. ERSKINE handing him a copy of the letter to Col. Sharman, "Will your Grace do me the honour to state whether that be a copy of the letter which you addressed to Mr. Sharman in the year 1780."

Duke of Richmond. "It is extremely difficult for me to tell whether the paper now put into my hand is the same as the letter I wrote to Mr. Sharman or not. I know that there was a mutilated edition of it published at the time."

Mr. ERSKINE. "Will your Grace have the goodness to look over it, and ascertain whether it be a genuine copy or not."

The Duke proceeding to look over it, the LORD PRESIDENT asked, whether he would wish to retire while he read it in another room.

The Duke said, "I believe I may spare Mr. ERSKINE some trouble, by giving him a correct copy which I have brought in my pocket."

This was immediately agreed to, and the letter to Col. Sharman, which had been in Court, was read by the Clerk of the Arraigns, while Mr. GARROW and others looked over the Duke's copy, both of which exactly agreed.

His Grace then ascertained that to be the letter which he addressed to Col. Sharman.

Mr. ERSKINE wishing Col. Sharman's letter to be read, asked the Duke of Richmond whether that letter was not written in answer to one from Col. Sharman after the resolutions taken by the Irish Volunteers, assembled at Lisburne? And whether Col. Sharman's letter and his were not bound up and published together?

The Duke replied, that he wrote the letter in answer to one from Col. Sharman, and they were bound together in the same manner in which they now appeared.

The ATTORNEY GENERAL objected to reading Colonel Sharman's letter, as the Duke of Richmond's only was referred to in the evidence before the Court.

DUKE OF RICHMOND TO COL. SHARMAN.

Of this excellent composition, the following extracts are most important with respect to the Prisoner's defence.

"Sir,

"I have been honoured with a letter from Belfast, dated the 19th of July last, written in the name of the Committee of Correspondence, appointed by the Delegates of forty-five Volunteer Corps, assembled at Lilburn on the 1st of the same month, for taking preparatory steps to forward their intention on the subject of a more equal Representation of the People in Parliament," and signed by their Secretary, Henry Hoy, jun. Esq.

In this letter, after shewing the corrupt state of the Boroughs in Ireland, the general opinion of the people that the Constitution can be restored to its ancient purity and vigour by no other means than a Parliamentary Reform, and informing me of the steps which have been taken, and are taking by the Volunteers, is determining to procure this desirable object, the Committee is pleased "to request my sentiments and advice as to the best, most eligible, and most practicable mode of destroying, restraining, or counteracting this hydra of corruption, Borough Influence, in order to lay my opinion before the Provincial Assembly of Delegates, which is to be held at Dungannon on the 8th of September next.

The subject of a Parliamentary Reform is that which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish; and I have no hesitation in saying, that from every consideration which I have been able to give to this great question, that for many years has occupied my mind, and from every day's experience, to the present hour, I am more and more convinced, that the restoring the right of voting universally to every man, not incapacitated by nature for want of reason, or by law, for the commission of crimes, together with annual elections, is the only Reform that can be effectual and permanent. I am further convinced, that it is the only Reform that is practicable.

All other plans that are of a palliative nature have been found insufficient to interest and animate the great body of the people from whose earnestness alone any Reform can be expected. A long exclusion from any share in the Legislature of their country has rendered the great mass of the people indifferent whether the monopoly that subsists continues in the hands of a more or less company; or whether it is divided by them into shares of somewhat more or less just proportions. The public feels itself unconcerned in these contests, except as to the oppressions it endures, and the exactions it suffers, which it knows must continue so long as the people remain deprived of all controul over their Representatives.

The lesser reform has been attempted with every possible advantage in its favour; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of Reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances! From that quarter, therefore, I have nothing to hope. It is from the people at large that I expect my good. And I am convinced, that the only way to make them feel that they are really concerned in the business is to contend for their full, clear, and indisputable Rights of Universal Representation. The more extensive plan, at the same time that its operation is more complete, depends on a more effectual support, that of the people.

I am also persuaded, that if the scheme for additional County Members had proceeded any further, infinite difficulties would have arisen in adjusting it. Neither the Yorkshire Committee nor Mr. Pitt have given the detail of their plan. A just repartition would have been a most intricate task, for where different interests are separately represented, the proportion is not very easy to ascertain. The doubt you state concerning this mode of Reform appears to me well founded; a few great families might divide a county between them, and chuse the Members by a House list, like East-India Directors. Another difficulty, from the increase of the number of Members, which might render the House more tumultuous than deliberate, has its weight. But the greatest objection, in my opinion, to this and to every other narrow and contracted plan of Reform is, that it proceeds upon the same bad principle as the abuse it pretends to rectify; it is still partial and unequal; a vast majority of the community is still left unrepresented; and its most essential concerns, life, liberty, and property, continue in the absolute disposal of those whom they do not chuse, and over whom they have no controul. In the arrangements of plans of this kind there is no leading principle to determine that the addition ought to be one hundred, fifty, or two hundred; that the allotment should be according to the population, property, or taxes paid in each county; that any supposed proportion between the landed and trading interest is the just one, and that the division of County and City Members will correspond with this proportion when found. All is a sea, without any compass to enable us to distinguish the safe from the dangerous course.

But in the more liberal and great plan of Universal Representation, a clear and distinct principle at once appears that cannot lead us wrong. Not conveniency, but right; if it is not a maxim of our Constitution, that a British subject is to be governed only by laws to which he has consented by himself or his Representative, we should instantly abandon the error; but if it is the essential of Freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it. Let us then but determine to act on this broad principle of giving to every man his own, and we shall immediately get rid of all the perplexities to which the narrow notions of partiality and exclusion must ever be subject.

In the digesting a plan upon this noble foundation, we shall not find any difficulty that the most common understanding and pains will not easily surmount.

The present number of Members in the House of Commons is preserved, so that all apprehension from too numerous an assembly ceases.

An account of the whole number of males of age in the kingdom is to be taken and divided by the number of Members to be sent, which will find the quota of electors to choose one Member; from the best accounts I can now get, it will be about two thousand six hundred; these are to be formed into districts or boroughs from the most contiguous parishes; and by having all the elections throughout the kingdom in one and the same day, and taken in each parish, all fear of riot and tumult vanishes.

The great expence of elections, which arises chiefly from the cost of conveying electors to the place of poll, and entertaining them there and on the road, will be no more when every man will vote in his own parish. Bribery must entirely cease; in a single Borough it would be difficult, on so many as to have any effect, impossible. The numbers to be bought would be infinitely too great for any purse. Besides, Annual Parliaments, by their frequency and by their shortness, would doubtless operate in preventing corruption.

The vast expence of petitions to Parliament on account of illegal returns would be reduced almost to nothing. The points on which these contests generally turn, are the qualifications of the electors under the numberless restrictions the present laws have imposed, which require the attendance of witnesses, the production of records, and are subject to infinite dispute. But when no other qualifications should be necessary but that of being a British subject, and of age, there can be but little left to contend upon as to the the right of electors to vote.

But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some that the influence of power and riches will give to the Aristocracy so great a lead in these elections, as to place the whole Government in their hands. Others again dread, that when paupers and the lowest orders of the People shall have an equal vote with the first Commons in the kingdom, we shall fall into the confusion of a Democratic Republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true that the poorest man in the kingdom will have an equal vote with the first, for the choice of a person to whom he entrusts his all; and I think he ought to have that equal degree of security against oppression.

Another subject of apprehension is, that the principle of allowing to every man an equal right to vote tends to equality in other respects, and to level property. To me it seems to have a direct contrary tendency.

The protection of property appears to me one of the most essential ends of society; and, so far from injuring it

by this plan, I conceive it to be the only means of preserving it; for the present system is hastening with great strides to a "perfect equality in universal poverty."

It has been said, that this plan of extending the right of voting to every individual creates much uneasiness in the minds of quiet and well-disposed persons: and that if paupers, vagabonds, and persons of no property were left out, there would be no objection to extend it to all householders and persons paying taxes, and that the same division into districts might take place. My answer is, that I know of no man, let him be ever so poor, who in his consumption of food, and use of raiment, does not pay taxes; and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its Government. I readily admit, that such an alteration would be a vast improvement; but I must prefer the adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualifications.

For my part, I agree in opinion with those who are for restoring to all parts of the state their just rights at the same time; to do it generally, not partially, is what I must contend for. At the same time, I admit that I am not for restoring the negative of the Crown. My reason is, that it appears to me preposterous that the will of one man should for ever obstruct every regulation which all the rest of the nation may think necessary. I object to it, as I would to any other prerogative of the Crown, or privileges of the Lords or People, that are not founded on reason.

But I agree, that if the House uf Commons was reduced to its natural dependence on the people alone, and the present system of making it the exclusive part of Government was continued, we should approach to a pure Democracy more than our Constitution warrants, or than I wish to see. I am not for a democratic, any more than for an aristocratic, or monarchic Government, solely; I am for that admirable mixture of the three, that our inimitable and comprehensive Constitution has established; I wish to see the executive part of Government revert to where the Constitution has originally placed it, in the hands of the Crown, to be carried on by its Ministers, those Ministers under the controul of Parliament; and Parliament under the controul of the people. I would not have Parliament made, as it daily is, a party concerned in every act of state, whereby it becomes the executive for which it is not calculated, and loses its superintending and controuling power, which is the main end of its institution. For when the two Houses are previously pledged by addresses, votes, and resolutions, it becomes extremely difficult for them afterwards to censure measures in which they have been so deeply engaged by acts of their own. Another great inconvenience arrises from Parliament's taking so much of the executive of Government on itself, which is, the excessive length of the sessions; an evil which of late had greatly encreased. Now that Parliament is engaged in every detail in order to screen the Minister, it never can finish its business till the middle of the summer, when the independent Country Gentleman, tired of a long attendance and hot weather in town, is retired to his private business in the country, and that of the public left to be settled in thin houses by a few dependents of the Minister. A short session of two or three months would be sufficient to examine the expenditure of former grants, to make new ones, to redress grievances, and pass such general laws as circumstances might require. The inconveniency and expence to a private Member of Parliament in attending his duty would then be trifling; and, instead of forty Commoners, and three Peers, to form a quorum to decide the greatest matters of state, the attendance of two thirds of each body, which would give respect to their proceedings, might and ought to be required. I am also free to own my opinion, that when the House of Lords shall be effectually prevented from having any influence in the House of Commons, as I think it must by this bill, it should at the same time recover its equal rights in every respect with the House of Commons as a co-ordinate branch of the Legislature. These sentiments are, I think, consonant to the idea so well expressed in your letter to the volunteer army of the province of Ulster, "to restore to the Crown its original splendor, to Nobility its ancient privileges, and to the Nation at large its inherent rights."

Mr. ERSKINE said he was ready to argue that point; but as it was not very material, he would neither exhaust his strength, of which he retained but very little, nor occupy unnecessarily the time of the Court.

A Clerk of the House of Lords then attended with a journal of the proceedings dated the 8th of February 1780. It contained a motion of the Earl of Shelburne for a Committee of those who were not Placemen, Pensioners, &c. to consider of the expenditure of the public revenue, and the means we had of defraying these expences. The motion was made in consequence of a petition couched in very strong language; and the motion was negatived. A protest was then entered in, which after describing the expences of the war to be so great as to exceed the patience which may be expected in the people to bear the additional taxes, to which they would give, said that their resource must then be in pensions, sinecures, and useless places. It asserted the right of the people to associate in bodies for the attainment of their reasonable demands, as associations proclaimed more loudly the voice of the nation than the remonstrances of individuals, &c.

This address was signed by that venerable constitutional lawyer Earl Camden, together with the illustrious names of Richmond, Portland, Devonshire, Grafton, Shelburne, Rockingham, Fitzwilliam, Tankerville, &c. &c. This protest was acknowledged by the Duke of Richmond, and Mr. Erskine said it supported and maintained all those proceedings which were now brought against Hardy as charges of High Treason.

Mr. *D. Stuart* was then called upon again, who said he was personally acquainted with Mr. Hardy, who always said his object was to ob-

tain a Reform on the Duke of Richmond's plan, and gave him some copies of the letters to Mr. Sharman.

Mr. ERSKINE said, that for some days past he saw an opposition brewing which was likely to bring on a debate, owing in a great degree to the singular anamoly of the present case. He then went into a laboured argument on the analogies of evidence. The Judges in the Court of King's Bench, on the argument in the case of Holt, determined that a publication in the year 1760 was no defence for a similar publication in the year 1794. This, however, as a fact was charged, did not bear upon the present case. Hardy's accusation was not grounded on any fact, but upon a criminal and treasonable intention of the mind. He had therefore a right to call evidence to his opinions and intentions.

The crime of Lord George Gordon rested principally upon his intention, and though the prosecution was conducted by lawyers of great experience and ability, they suffered him, (Mr. Erskine) to call 9 or 10 witnesses in, on the subject of the disposition of his mind.

The next case he cited was that of Lord Russel, accused of compassing the King's death, being suffered to give the evidence of Dr. Barnet in favour of his affection to the Government.

Foreseeing an opposition on this ground, little time as he had for study, he took care to be prepared upon this subject with cases from the State Trials, where the accused were admitted to build upon the minds of the Court and the Jury an intrinsic probability to operate in the way of character. This, however, was not character, though it would carry a greater conviction. For instance, if a man was accused on the oath of nine or ten credible witnesses of stealing a horse, his character would not acquit him, becsuse it was more probable that a man of good general character may steal a horse, than that ten honest men should falsely accuse him of it. Character was the slow, wide-spreading circle of opinion, produced by a man's general demeanor. For which reason a witness to character was not asked, What does this man? or, What does that man say of him? But from *all* you know, what is your opinion of him.

Henry Cornish, in the reign of James II. accused of compassing the King's death, was suffered to give evidence of his loyalty.

John Austen, in the 2d of William and Mary, was accused of endeavouring to introduce popery, and was tried before Judge Holt; and that great Lawyer did not oppose his giving evidence to shew his attachment to the Protestant religion.

Sir John Frend was accused of compassing the life of the Sovereign, was allowed to give evidence, to shew that he expressed his desire of living peaceably under the Goverment, which, however, he did not like.

In all these cases it was apparent that general character had nothing to do in these testimonies; the character in such situations which will operate as evidence must be analagous to the offence.

In the 8th of William and Mary we find Cook admitted to give similar evidence on a similar charge.

Donelly, a waterman, belonging to Queen Anne, was found in the act of pulling down meeting-houses, which by the statute is made constructive treason, and evidence was admitted of his conversation to prove him friendly to Government. He, therefore, asked no more now for Hardy, than what was granted to others in similar situations before him, and even without this, he may stand upon the rules of evidence.

Mr. GIBBS said it was laid down by Lord Hales, that an action in itself indifferent, may, by attending circumstances, be converted into an overt act of treason, and when the Crown had an opportunity of ransacking the whole of a man's life and conversation, he should at least have the means of rebutting that evidence by other evidence of his former conversation.

The ATTORNEY GENERAL not expecting this argument to be introduced on the present occasion, was not prepared to answer it; but the industry with which Mr. Erskine looked for these cases, proved, that he had a proposition to make which was not likely to be acceded to. He then touched upon the several cases, and thought that as Mr. Erskine had not explained more fully, it was probable that the justifications to which he alluded were either brought out in cross-examination or in giving general character.

The SOLICITOR GENERAL also argued the point, and insisting pretty strongly that the evidence must have come out on cross-examination,

Mr. ERSKINE assured him it did not.

The SOLICITOR GENERAL still retained his doubts, and Mr. ERSKINE again repeating his former assertion.

The SOLICITOR GENERAL said, "in that case I do not understand it."

Mr. ERSKINE. "I see you do not."

The SOLICITOR GENERAL seemed irritated at this expression, and said, that though he did not wish to speak in high terms of himself, yet in the *knowledge of law*, either criminal or civil, he knew his duty full as well as Mr. ERSKINE. He had nothing to learn of him, and would discharge his duty in the manner that he thought became him.

Mr. ERSKINE replied, that if he had said any thing offensive, he should be the first person himself to apologize; but when a gentleman exposed his want of knowledge in circumstances upon which he distrusted the information of others, he made no ceremony in declaring, that he "saw he did not know it." There were other observations to which he was inclined to say what he would forbear to do at present.

The result of the arguments was, that Mr.

Stuart was suffered to give in evidence Hardy's attachment to the plan of the Duke of Richmond, upon which they argued more than once, but Hardy still remained immoveable in his opinion.

Mr. ERSKINE then wanted to prove by evidence, that Conventions may be held without these traitorous designs attributed to that in Scotland, there being several legal Conventions for the redress of grievances, held both in England and Scotland before; but the ATTORNEY GENERAL objected to this evidence as irrelevant, and the PRESIDENT was of the same opinion. The evidence was therefore refused.

Richard Brinsley Sheridan was the next witness who deposed, that in the year 1793, in consequence of the alarms about Sedition and Treasonable Associations in the country, he being greatly an unbeliever in dangers that he considered as imaginary, gave notice in the House of Commons of a motion for a Committee, such as that which had since been appointed, to enquire into the causes of them. In the mean time he thought it right to make all the enquiry he could into their reality, and he was informed by a person, that Hardy would be a very likely man to afford him the information he desired. —He then commissioned the person he alluded to, to bring Mr. Hardy to him, who came without hesitation. This was the only time that ever he had seen him. The prisoner told him that the informations obtained by Ministers, and which were distributed at the doors to the Members of both Houses, were exceedingly accurate. That since the Proclamation was issued, the public-houses in which they before held their meetings, as they were not persons who spent much money, and that the landlords were afraid of their licences, they could be admitted no longer, but that they continued to assemble in private houses. He appeared to him a very mild and reasonable man; expressed his joy at the expectation of the enquiry taking place; and offered him the inspection of all their books, correspondences and papers, which he might make what use he pleased of in the House of Commons. This happened in the beginning of March, 1793.

Mr. *Sheridan*, in the course of his narration, seemed disposed to go into some comment, as well as detail upon this subject, but was interrupted by the PRESIDENT, who requested him to confine himself to the question, as much of what he was saying could not be admitted in evidence.

From the short cross-examination it appeared that Mr. Sheridan was mistaken in mentioning the word books, no other being found upon the Prisoner but the correspondence and regulations of the society.

Mr. *Francis* saw him twice, when he received the thanks of the society for a speech he made in support of a Parliamentary Reform; and the second time when the prisoner, with Margarot and two others, wanted him to present a petition to the House of Commons for a Parliamentary Reform. He objected to the prayer of it, which required a reform on the Duke of Richmond's plan, which was contrary to his opinion. He wished them to leave the prayer open, as was usual in such applications to Parliament. They seemed very well prepared to answer all the objections which could be raised against their proposal; and as he expressed some surprise that men, in their walk of life, should be so skilful in argument, he learned, that they drew their chief force from the letter of the Duke of Richmond. They said, they were sorry that they had not been apprised of his objections, as they should have no objection to fashion it to any shape he may think proper; but it was then too late. It must be presented the very day, and they could not renew the numerous signatures, as it was the very day on which Mr. Grey was to make his motion. He then agreed to present it, which he did, observing, at the same time, that the prayer of it did not meet with his concurrence.

The ATTORNEY GENERAL then shewed him, in print, his letter in return to their declaration of thanks, which they had published.

Mr. *Francis* said, he did not know that they had published it. He was not ambitious of their praise, though politeness demanded an answer. He did not think them capable of any such designs as those with which they were now accused; and if he did, he should have had no communication with them. Their conversation breathed nothing of such a spirit; and for Hardy he would say, that he was struck with the sensible, mild, and temperate manner in which he demeaned himself in the two interviews he had with him.

Lord *Lauderdale* deposed, that he had been invited by letter to take the office of Delegate to the British Convention, from Port-Burry, which after repeated solicitations, he declined. He understood the object of that Convention to be no more than a Parliamentary Reform.

The evidence for the Defendant being thus closed, Mr. GIBBS, as he was about to address the Jury, immediately fainted away.

After he had a little recovered himself, he turned about suddenly, and bursting into tears, which seemed greatly to relieve him, assured the Jury that it was his anxiety for the miserable man at their bar, his consciousness of his inability to acquit himself as he wished in his defence that thus overpowered him. No industry, no zeal was wanting on his part, and difficult as the office was, he would do his duty to the best of his ability.

The Solicitors for the Crown had brought such a mass of complicated overloaded evidence against him, that it was beyond the limits of human ingenuity to disentangle it—he would say, beyond human powers, for they were too much for those of Mr. Erskine.

The Attorney General was so overcome with the weight and diversity of this evidence himself, that in opening it up to the Jury, he occupied a space of time unparalleled in the history of any criminal proceeding—in any period of the history of the world.

Mr. GIBBS then said, that it became his duty to trouble the Gentlemen of the Jury with some few observations upon the whole of this case; upon the first part of it, namely, the written evidence, he had but little to add to what they had heard from his learned friend: by those proceedings Mr. Hardy, as far as he was concerned, might have acted imprudently and incautiously; the documents might be even unjustifiable; but that was nothing in the present question, namely, whether he, Mr. Hardy, had assisted in calling a Convention for the purpose of using force against the Government, and deposing the King; that, and that alone, he contended, must be the point on which they had to decide; and to see how far this was made out, was their duty to enquire. Much indeed had been said, and very great stress laid upon these persons providing themselves with a few arms; and here again the intent must be looked to;—how stood it in evidence? Why the people of Sheffield, who were friends to a Parliamentary Reform, met for the purpose of obtaining it; their meetings were known, their sentiments were notorious; others, however, in that place were of a different opinion, and these persons so meeting were not only threatened with having their meetings interrupted by the other party, but personal violence, and inflammatory hand-bills, circulated, as they conceived, and levelled at them; upon which they had recourse to self-defence, and they procured those arms which were the cheapest and most easily to be procured. This was uot a fancied case, for so it appeared by the testimony of almost every witness who had been called in support of the prosecution, who knew any thing about them: and would it be contended that a subject in this kingdom could not legally provide himself with arms for such a purpose? Some of them had even been threatened that their houses should be set on fire: and could this be considered as an idle threat, for had not similar ones been recently put in practice at Birmingham and other places? Had not Dr. Priestly and Mr. Walker both experienced their effects? In Nottingham, what would have been the consequence if the Mayor had thought it illegal to arm? The first magistrate of that place, upon an attack, had fired; two of the party fell; and what was the verdict of the Coroner's inquest, what could it be but "justifiable homicide?" Indeed, for the legality of thus arming in self-defence, we had the authority of that great Constitutional Lawyer, Lord Camden, as well as others of the first eminence.

Leaving, however, this documentary evidence, he would proceed to consider how the officers of the Crown had endeavoured to implicate Mr. Hardy in the general plot for calling a Convention to depose the King; for, without that, they did nothing. To accomplish this, they call first Camage and Brummell; and when they are asked whether the Society of Sheffield (by whose actions Mr. Hardy was to be criminated) had any idea of attacking the King, or interfering with the authority of the House of Lords, what is their answer? Why, "that they never entertained such a thought, or that, by a Convention, of enforcing any opinion but as the easiest manner of collecting the general opinion respecting a Parliamentary Reform."

This was followed by a letter from Davidson, of Sheffield, likewise found in the possession of Hardy, stating, the Society there had provided themselves with pikes, for their own defence, and advising that other Societies might do the same. The word defence was treated throughout by Mr. Attorney General as a mere pretence for acomplishing their real designs. Now let us see a little how this is made out, and what disposition the prisoner in this instance had to resort to force and arms.—This letter from Davidson to Hardy, another directed to the Society at Norwich, containing the same information, was inclosed, and a desire that it might be forwarded. But was it? No, the contrary was in proof; for when the Messengers went to Hardy's house, in May, they found both the enclosed and cover, and this two months after he must have received it. What then was the fair conclusion of this conduct? Was it not, in fact, saying to himself, "You were in danger, and therefore might have a right to provide pikes; but as the same danger does not exist in London or elsewhere, I shall take no farther notice of it." And that Hardy did not take any further notice was evident, from his not sending the enclosed letter as desired; his not even communicating it to the Society, or even sending any answer thereto; for the letter was found in his possession two months after; there was no minute of it in the Society's books, and they had it in evidence that he had not sent an answer; for the letter to him desired the answer to be directed to Moody, who had been called, and who declared upon oath he had not received any: therefore Mr. Hardy certainly did not give countenance to arms in this instance, much less shew an inclination to use any against Government; and the only thing that bore a shadow of support to this charge was his having shewn the letter to one individual, Williams. And how came he to do that? Look to Edward's evidence, and it was necessary for the Jury to carry constantly with them the fact, that this poor man was continually surrounded with spies. It was notorious that the people of

Sheffield had provided themselves with pikes; it was publicly talked of. Now mark, and Edwards, the witness for the Crown so states it. Edwards went to Hardy, and asked him if he (Hardy) could give him a direction to the man who made those pikes? Hardy says no, but I have received a letter which may; and on this shewed it him. Such was the manner this man was to be proved guilty of entertaining a design to arm, and by force overturn the Constitution, simply by having a letter in his possession which relates the circumstance of three dozen pikes having been made, and shewing that letter to a man who, under the mask of friendship, and in his confidence, was acting as a spy to betray him.

The whole tale of arming seemed to him truly ridiculous. What did this tremendous, this alarming force, amount to? Why, according to the testimony of all the informers, if they were to believe, and no doubt could be entertained that they had not made the most of it, the whole military force of this kingdom, together with all the armed volunteers, were to be attacked by three dozen pikes, sixteen muskets, and half a dozen French clasp knives! Could the Jury for a moment believe such a ridiculous story? Besides this, only look to where these pikes were making, at Sheffield, which, according to the Attorney-General, was the most disaffected part of the kingdom; and where, if they had had the will to arm, they would easily have found the means; for it would be no difficult matter to procure 10,000 of these pikes at Sheffield in one day; instead of which, the whole force, to whatever purpose it was to be applied, was not sufficient to oppose a single company of the Guards. Was there in reality ever such a plot to be met with in any history against the State? No, in whatever place we find them, they either appear in an actual body armed, or in a specific plan for levying troops.

It being still necessary to substantiate this arming, another witness is ushered in to prove that Hardy had not only provided pikes, but had employed a body of musqueteers. Now let us see what this amounts to. Williams, another spy upon the actions of this poor man, relates in fact nothing more than this—that he considered Hardy to have some interest, goes to his shop and buys a pair of shoes; in doing which he takes occasion to offer Hardy a gun for sale (a fair opportunity, if he had possessed a wish to obtain such instruments); Hardy at first declines having any thing to do with it, but at last agrees to its being left; and when Williams calls again in a fortnight's time to order a pair of boots, a purchaser has been found for this gun; on this Williams becomes a customer to Hardy, and Hardy's employing a body of musqueteers turns out that he in return had assisted him, by selling two or three guns. But Edwards here introduces another tremendous charge, for he says Hardy recommended him to Franklow's Association at Lambeth. Possibly he might, and what was there in that? Franklow's Association for learning the military exercise was by no means a secret; nay, Franklow could not be said to shew a wish that it should; so far from it, he went about in his regimentals, and his cartouch-box and his musket were left about that any person might see them. —But what harm could there be in any man having an inclination for association to learn the military exercise? When he looked round him, he found the same going on in every direction. This same kind of inclination was pretty general a few years back, "when I," said Mr. Gibbs, "remember my friend Erskine had an Associa-
"tion and I had the honour to serve under
"him. I remember we were very proud, not
"of our regimentals, for we had none, but ex-
"ceedingly so of our Association: and shall we
"for this condemn a man for a crime of the
"blackest dye? Good God! how can we hope
"our gracious Creator will look upon us in the
"day of judgment, if we judge thus of our
"fellow-creatures!"

Following this, we have another witness of the same description bnought forward; but surely when such infamous characters are giving evidence, the Jury should hear their testimony with caution, and as they were interested to enhance their services, examine well the probability of their evidence, and credit it not, unless corroborated by some more unsuspicious characters; of this description he meant was the witness Gosling. Gentlemen of the Jury would recollect that Gosling, in his examination, was fluent, easy, and by no means at a loss; he had stated that the object of these Societies was to use force; that he went about the country to corrupt the soldiers; that some accepted his offers, and many refused: this tale he related in his examination in chief without the smallest hesitation, but when he came to be cross examined by Mr. Erskine, it was with difficulty that a direct answer could be drawn from him; but this hesitation was not necessary to throw a suspicion upon his credit, for if he had so tampered, how came it that some of those soldiers, whose integrity he could not shake, had not been called upon to prove the fact? These were not men (if they did exist) the officers of the Crown would have found any difficulty to have come at, and he did not think there was a man in the Court who believed they would not have produced them.

Another, LIMELY, was surely entitled to as little credit; this man had delivered his evidence from notes taken, as he said, at the time, and yet it was observable, that in those very notes it was admitted, were many mistakes, particularly as to names; and also when he spoke to any criminal circumstances, it was from memory. He gave his evidence in general

terms. And why did he so? For the plainest of all reasons, because, had he attempted to particularize any individuals, they might have been called, and he thought it the most safe not to run that hazard, even though assisted by those notes.

COATES, who was to have clearly proved this infernal plot of Franklow's, in which Hardy was endeavoured to be implicated, by having recommended Edwards, described it in these words—"that Franklow's association was as open as the sun," he had seen the cartouch-box lay openly upon the shop-board, and Franklow in his regimentals, at a public dinner.

Having passed through these, Mr. GIBBS said, he now came to an evidence of a still more infamous complexiou, and against whom, happy he was, the law was still open, although, in his opinion, the punishment was by no means equal to his crimes—this was Groves, whose testimony was to establish two objects, first, that Hardy had provided, or caused to be provided, a large number of French knives; and secondly, such language had been held by those with whom he was connected, as must prove they intended to depose the King, and overthrow the Government. It was unnecessary to enter upon the whole of this man's testimony —some little of it must be sufficient to convince even credulity how little he was entitled to belief. Groves stoted, that he first saw these knives in the hands of a Member of the Corresponding Society, to which he also belonged, at the meeting at Chalk Farm, and was there informed they were to be had of one Green, a Cutler and Perfumer; this Green he knew, and to trace out this plot he went to his shop to enquire about them; Green, he swears, told him in confidence that he had sold several hundreds of them; that Green shewed them to him secretly, and then, unfortunately for himself, attempted to substantiate it by a particular expression of Green's, namely, "speak softly, for the parlour door is open, and my wife is a damned Aristocrat," evidently meaning by this, that Green meant to imply he only sold them to persons of a particular description. —Now what was the inference intended to be drawn from this? Why that Green, through the means of some desperate characters at Sheffield, had combined with Hardy to provide those knives for the purpose of embrewing their hands in blood, and of destroying the King and Constitution, although the only way Hardy could be said to be concerned in this was his having bought one of these for his own use. But how is this described by Green? He says, he bought these knives, that is three dozen of them, in the common way of his trade; that similar ones were to be purchased at any cutler's shop; that he sold one of them to Mr. Hardy, and, in the whole, fourteen; that he might have said to Groves they were a saleable article, but never that he had sold any number of them; and as to the particular expression, he says he could not have used it, because the knives lay openly exposed in his window, consequently his selling them could be no secret; and he swears positively he neither mentioned to Green either the words aristocrat or wife. Which was most entitled to credit, the Jury would determine.

Now as to the second part of this infamous testimony, viz. the treasonable language he heard at Chalk Farm, how does it attempt to prove this fact? Thus: the prisoner, he says, called this meeting for the very purpose of overturning the Government and deposing the King; and that when it was assembled, he heard Mr. Tooke make use of language calculated for that purpose; such as, that the House of Commons was a sink of corruption; and being asked what was said of the Lords, he replied, with levity, that Mr. Tooke applied the same epithets to them. This levity having been judicially corrected by the Court, he then admitted that Mr. Tooke did not speak of the House of Lords in general, as a branch of the Legislature, but of those whose conduct had been reprehensible in the Commons. To mere accident then was it that the inference of such conduct had not been left upon the minds of the Jury, and that he was afterwards brought to confess this meeting was simply for the purpose of considering of the great question, a Reform in the Commons House of Parliament.

We admit this meeting was for considering of a Convention for that purpose; the Counsel for the Crown say it was to overturn the Government, and depose the King; what was the witness, when pressed, obliged to admit? that it was only to reform the House of Commons; the prisoner said the same; and how strong is this for us, when it comes from a witness called to prove it was to drive the King out of the kingdom. Every man, however, must be ready to admit that it was nothing but a spy, a dishonest man, that would keep back testimony which he might suppose would make for the prisoner; but it was not only the keeping back evidence this witnesss was to be charged with, but absolute perjury in what he had said of Green:—perjury, to enhance his value with those whom he pretended to serve.

Surely then, from all this evidence, continued Mr. GIBBS, there is nothing that can be said to prove that the proposition for a Convention was for any other purpose than to collect the public opinion on a Parliamentary Reform; but we are here led on to another point, and an endeavour is made to fix us with the crimes committed by Watt, who was lately executed for high treason in Scotland. For this purpose, Mr. M'Ewen is called; but it appeared there was no way to connect Mr. Hardy with Mr. Watt, but by a letter sent to

Skirving, for there was no evidence to shew, that Hardy ever knew there was such a man.—Who, it might fairly be asked, was this Watt? Why, a spy of Government to a certain extent, and then they thought the demand for his services too exhorbitant; the fact of this man and his proceedings appeared to be this; he wished to make an advantage of Government, but feeling himself disappointed, he made some violent propositions, not to the British Convention, but privately to some individual Members of it, who heard his proposals with horror, and immediately rejected them. In doing this, he had a double object in view, that of implicatiug them in the treason, for which he would have had them hung, by way of shewing he was worth his hire, and what he had demanded.

In no way, however, was Mr. Hardy united with this Watt, but in having written to the Convention, of which he was a Member: and yet Mr. Hardy was charged with being connected with his crimes, although those who sat as Delegates with Watt were not, at least I (proceeded Mr. Gibbs) have a right to presume so, and that Government have done with the charges of high treason in Scotland.

Mac Ewan had given in evidence, that being struck with horror at Watt's proposition; he had immediately communicated it; therefore there was no reason to conclude he had not come voluntarily forward, and then surely the rest of his testimony was equally entitled to belief; and we have it from him, that there was not any design in the Convention to depose the King, or to act with force against the Commons. How then was it made out that the Prisoner, by writing a letter to the Convention, without any such intimation, had any such design? Mr. Attorney General has asked about the Resolutions of that Convention; but what had Mr. Hardy to do with them, or they with the charge? If they were full of libels, guilty of all the crimes in the criminal calendar, that was nothing to the charge of High Treason.—The question for the Jury was not whether he had committed this or that; whether they did or did not like his politics; thank God, that was not the mode of trial in this country, it must be upon the fact the verdict is given, and that fact clearly proved.

As it was certain the arms would never have been introduced but to strengthen the case, equally so was it felt they could do without the connection with Watt: and it might not be foreign to observe, that in Scotland none but Watt and Downie had been tried for High Treason. Whether the Law Officers and Judges there had not deemed the others amounted to that charge, there was no pretending to say; but the fact was, they were tried for misdemeanors; and this he would say, if they were guilty of Treason, was not humanity: true humanity was to punish the guilty, and not to prosecute the innocent—not humanity to lay a trap for the unwary;—to admit, by inditing treason as a misdemeanor, the offence did not amount to that crime; and then, when found convenient, to punish it in its full extent.

To return, however, from Scotland, with whose proceedings, much less with their crimes, it had not been proved Mr. Hardy was in any manner connected, it would be necessary to investigate a little this resolution for calling a Convention, which Mr. Attorney General had so strenuously considered as a crime of no less a magnitude than deposing the King. Now what was that Resolution? It was "that it is desirable a meeting of the Friends of Liberty should be called to take into consideration the means of obtaining a full and fair Representation of the People." This was the substance, and with it there was not a tittle of evidence to connect the arms with the Convention; and, indeed, their case might have been stronger if a single witness had not been called about them, as then there might have been a great deal from inference.

But Mr. Attorney-General says, there was force intended, and then produces a string of evidence, who knew nothing about it, although they had spies in every quarter, who must have been acquainted with every fact; nay, the Jury must have observed, that the learned Gentlemen for the prosecution were even much better with our witnesses than we were ourselves, particularizing by their names where they lived, and drawing the distinction, if there happened to be two of the same.

If Mr. Hardy, and the other persons belonging to these Societies, had entertained an idea of a treasonable plot, they had certainly carried it on in the strangest manner possible, for all their actions, all their resolutions, had invariably been laid before the public. If their actions were criminal, it was true the publicity added to the offence, but did not make it high treason.

[The next Number will conclude the whole of this Speech, and complete the remainder of this interesting Trial.]

End of the Seventh Day.-----To be continued Daily.

(Continuation of the Seventh Day's Proceedings.)

Every witness who has been called for the prosecution has stated the intention of this Convention was to have strengthened the claim for Parliamentary Reform, by collecting the united voice of the People; and all we have produced have said the same. They have unanimously, except indeed one or two of the Spies, to whom no credit can be given, denied any interference with the House of Lords, much less to compass the death of the King, and overturn the Constitution.

It would be idle, and only trespassing upon the patience of all the testimony we have adduced; but I cannot help touching a little upon what has been said by Mr. Sheridan and Mr. Francis, as particularly shewing the views of Mr. Hardy. By the testimony of the first of those Gentlemen, upon the first intimation of an alarm, Mr. Hardy comes forward, and desires an enquiry may be made into the principles and projects of their Society, that the public may be convinced of the purity of their intentions; and so particularly steady, unimpassioned, and inoffensive was Mr. Hardy's conduct, that the honourable Gentleman declares he was struck with his appearance. And is not the same account given by Mr. Francis, who says, that when Mr. Hardy came with others to desire he would present their petition to Parliament, he was astonished at the peaceable though firm deportment of the prisoner? They avowed they had adopted the Duke of Richmond's plan, and to that they were determined firmly to adhere. Was this the conduct of the guilty? Were these the manners likely to govern those whose object was treason, and pursuits confusion? But the Counsel for the prosecution contended there was something more in their designs than appears upon the face of them. It is admitted they passed a resolution, that the representation of the House of Commons is corrupt; that the only way to correct the evil is by annual Parliaments and universal suffrage; that they are of opinion, Parliament will not agree with them: they think the majority of the people are with them, and therefore they wish to take the sense of the people, and it appears the best way to do that by Delegates.

In these Resolutions they plainly shew their intention to follow that plan they avow to have adopted; for the Duke of Richmond says, the House of Commons is corrupted, and that corruption proceeds from the people not being properly represented. And then what is the remedy? His Grace says the only Reform that can be effectual and permanent is universal suffrage and annual Parliaments; and that would only be giving to every man his right; and he continues, that although only a few partial petitions have been unattended, it is only for the wishes of the people to be known for the Reform to be granted.

What then is the conduct of the prisoner; he has adopted this example, acted uniformly and firmly, wished the same object, and to obtain it by the same means; and as his words and actions throughout implied this only, surely the Jury would be rather inclined to the side of innocence, especially when in no instance was he found to hint at the force of arms.

With respect to the right of associating for the purpose of addressing Parliament, that surely was established beyond a possibility of doubt, and that too by men who could not be suspected of having a design to injure the Constitution; and here Mr. GIBBS referred to the protest of the House of Lords, upon a motion of Lord Shelburne's, during the American war, for a Committee to enquire into the unnecessary expenditure of the public money, from which Placemen and Pensioners were to be excluded. This motion was rejected; but if we consider the weight of the names who signed the protest, we shall almost be led to consider the minority were the majority; for to it will be found subscribed the names of Camden, Rutland, Devonshire, Portland, Shelburne, Fitzwilliam, and true to his old principles, the Duke of Richmond.

From all that has been said of these Societies, it appears plain that they acted under the Duke of Richmond's plan, and followed the mode which that plan advised; and if the general plan is lawful, why is it to be presumed that Mr. Hardy's purpose was not legal and constitutional?

How are we to implicate him in guilt, if he was actuated by innocent motives, and not criminal intentions. If his Grace of Richmond could descend from his rank, and stand in my place to defend the prisoner at the bar, would he not feel it necessary to say, "If this man "has erred, I have been the cause; he is a "disciple of my doctrine, and followed my "advice. I said the House of Commons need-"ed a Reform, and that the people had a "right to associate to obtain it: I not only "laid that down as my opinion, but have left "my reasons for it to posterity: if it is wrong, "this man has been misled by me, he has "sought the same object, and pursued the "same means. If he has given countenance to "some violent Resolutions, consider, he is an "ignorant, illiterate man, and some little in-"dulgence ought to be made; he has not had "the advantages I had from my high rank, li-"beral education, and experience, which told "me I was right; besides my petition was ne-"ver rejected with contempt; I had no cause "to be warm; and if his other designs were

" not sufficiently manifest, his assertions that " he had no wicked motives ought to be be- " lieved."

Mr. GIBBS said, that he did not by this mean that he was not fully confident Mr. Hardy would meet with equal justice from a British Jury as would be given to the Duke of Richmond, but to shew what appeared to him the extent of Mr. Hardy's guilt, a man of whom a character had been given which had never been equalled; persons who had known him for fifteen or twenty years had described him as possessing a most harmless and peaceable character—as one of the witnesses emphatically expressed himself, " a better never belonged to a man."

But was it necessary to look to what this friend said in his behalf, when his enemies spoke more forcibly? for had not those spies, who had constantly attended at his elbow, whether in public or private, for the very purpose of trepanning him into guilt, who had sifted his life for two years, unanimously declared, that, with all his zeal for a Parliamentary Reform, he never uttered a single syllable against the King or House of Peers;—never made use of an accidental expression of warmth, intimating force, not even to those whom he thought his friends, actuated by the same principles, and seeking the same object? Was it possible that such a man, so watched and so guarded, could possess those horrid ideas with which he was charged? Could it be believed that such a man intended to take a knife in his hand to attack the Government, to assist in deposing the King, or overturning the Constitution. Such actions never yet sprung out of such a disposition, such never did happen, and he hoped, for the sake of humanity, it would not be thought now to have done so, for the first time. Fully convinced of the innocence of the prisoner, he with confidence left him to the verdict of the Jury.

Chief Justice EYRE.—" Prisoner, you applied to the Court for Counsel, and Counsel were assigned you. They have now concluded what they had to say in your defence. You are also at full liberty to offer a defence for yourself. If you have any thing to say, this is the proper time."

PRISONER.—" I am perfectly satisfied with the defence my Counsel have made for me, and wish to add nothing to it."

The Court adjourned for an hour, and being resumed,

The SOLICITOR GENERAL, Sir John Mitford, rose to reply, and in some degree to sum up. After some compliments to his Learned Friends on the able defence they had made for the prisoner, he said he must first notice what had been said to the Jury on the policy of their verdict. They were to decide on the evidence before them, and the law as it affected that evidence, without regard to political circumstances. Trial by Jury was not only the great protection of the State and of every individual who lived under it, but that controul over the administration of justice by the executive power, which the people had kept in their own hands—that which the tyranny of Cromwell could not subdue, and which was the first to shake James II. on his throne. In ordinary cases the State could be in no danger from the verdict of a Jury. In some cases it might—but even this consideration they were to lay aside. No important fact, at least none that could shake the main points of the charge, had been disputed by the Prisoner. His Counsel, with great judgment, had forborne to touch upon the strongest facts. To attack the parole evidence, was indeed impossible, for numerous as were the witnesses by which it was supported, they knew it might have been supported by almost any number more. Much of what they had said tended rather to accuse the Duke of Richmond, and another of his Majesty's Ministers, than to exculpate the prisoner. All this the Jury were entirely to pass by, and attend only to the evidence, as it applied to the prisoner. He should therefore take a short view of the law of the case; but first make a few remarks on the evidence, as it applied to the Prisoner's intention. The Attorney General, in his opening, did not impute evil intention to all the persons who were Members of those Societies. He knew that a system of fraud and deception had pervaded the whole, by which the few had imposed upon the many. If this had been doubtful before, it was now clear. The whole of the Sheffield evidence went to shew that the Members of the Society there followed their leaders implicitly, and adopted whatever they thought fit to propose. In this manner inattentive and unsuspecting men, without any evil intention of their own, might be led by the evil intention of others, to the most violent and guilty extremes. Why, instead of witnesses who knew the Prisoner but by general character, were not persons called who had been parties to the more secret transactions of the Societies, or who at least had continued members till the time of his being taken into custody; It was only in the latter part of the business that the evil intention became clearly manifest. He denied that equal credit was to be given to the Witnesses for the Crown, when their evidence made in favour of the Prisoner and when it made against him. The Jury would consider that the testimony even of honest men might be affected by a particular bias of the mind, and judge of it accordingly. The people of Sheffield had been imposed upon, when they thought of providing themselves with arms. They were told by the designing few, that the Aristocrats, as they were called, were going to attack them, and that they were entitled by the Bill of Rights to provide arms for their own defence. But these arms, when

vided for defence, might have been employed, on some new suggestion of the leaders, for offence. They said they had been insulted and threatened by the Church and King Clubs. These clubs had very possibly done unjustifiable things; but their orator, Mr. Yorke, who, by the accounts they gave of him, was not a man destitute of information, when he told them they had a right to arm for their own defence, did not tell them that they had a right to apply to the civil magistrate for defence. A plan had been once on foot for making 10,000 pikes, in Sheffield, in one day. When this was done, Mr. Yorke might have proposed what he had before hinted, viz. marching to London, rather than be trampled upon, as he said they were, and there acting like the Marseillois, who had transacted things not of the most agreeable nature at Paris. At Sheffield, a petition to the House of Commons had been prepared, couched in such terms as they knew must cause it to be rejected. Was this a *bona fide* transaction, or a pretext to cover the further proceedings they intended, and which were, perhaps, prepared before the petion. It was therefore clear that a system had been pursued, which absolved from any heinous degree of guilt, the greater part of those who had been drawn in to support it. Some of them said, they wanted only to bring back the House of Commons to what it was at the Revolution. The only alterations in the House of Commons since the Revolution were the Septenial Act, and some acts, excluding Contractors from sitting in it, and certain persons supposed to be under the immediate influence of the executive Government from voting at elections, so that the House of Commons might truly be said to have been improved since the Revolution, instead of having gone to decay, such were the delusions practised upon the many by the few. The great majority being thus absolved from any high degree of guilt, though certainly not exempt from blame, the guilt of the few who deluded was the greater. Among these, the Prisoner at the Bar was deeply implicated by the evidence. He could not say, that he took no part in preparing the business to be transacted, or that he voted heedlessly and implicitly for whatever was proposed. A Secret Committee had been appointed: this Committee was dissolved, but with powers to the Members to elect a new Committee, the names of the Members composing which, were not even to be known by the Society. Here was a thing unexampled in any state, for a little state this Society was, and therefore dangerous. If their intentions were honest, why such secrecy in the prime directors of all their movements? Why not act openly, as they had done before? Speculative opinions on government, or any other subject, were allowed in this country unless hurtful in the manner of circulating them. Such a check must exist in every government, as no Government could stand against constant attempts to disturb the opinions. All Governments must be administered by a few in comparison of the many, and how was the submission of the many to the few to be secured but by the force of opinion? Even the Members of the Constituent Assembly of France, when they had framed, as they imagined, a free Government for their country, thought that speculative opinions were not to be left entirely without restraint, and the last legacy they left to their successors was a decree against the Clubs, connected by association and affiliation. The decree had never been executed, and fince, the country had been under the direction of those very Clubs. The Prisoner could not plead that he was a man deluded. He signed all the papers, and to him all the letters were addressed. He was privy to all the proceedings of the Secret Committee, and perhaps carried on a correspondence of his own, which he never communicated to the Committee. His connection with Tooke, Margarot and Skirving, appeared very mysterious. None but the Prisoner, Margarot, and Skirving, seemed to have known any thing in the first instance of the intention to send Delegates to the Convention at Edinburgh.

The Solicitor General then entered into a long and elaborate argument of the law of Treason, which he read from his notes.

He proceeded to maintain, that a Convention in any State, being a Convention of the whole People, must necessarily become a Sovereign Power, and therefore that the King must submit to it or be in danger, and it mattered not that the parties did not intend to depose him for life; for to depose him for one day, or for one hour, was the same thing in point of Law, as that of deposing him for life; and the steps the Prisoner had been engaged in led necessarily to that end, and therefore it was clearly Treason.

He then gave a history of the Revolution in France by the Convention; he said that the moment the French deprived the King of his power, of negativing the proceedings of the Assembly, he was then deposed. He then gave an account of all the Addresses presented from the Societies of this country to the National Convention, and the answer which the President gave to them. He said he would now proceed to another head of the subject.

Lord Chief Justice EYRE here said, Mr. Solicitor General, if you have come to the end of this head, we had better adjourn; for no human powers would be able to go on, so as to take up the matter after you have done. We shall lose no time then by stopping here for the night.

It was half past twelve o'clock—Adjourned to nine next morning.

TRIALS FOR HIGH TREASON.

TRIAL OF THOMAS HARDY FOR HIGH TREASON.

OLD BAILEY, TUESDAY, NOVEMBER 4.

EIGHTH DAY.

AT nine o'clock, Mr. SOLICITOR GENERAL resumed his argument where he had stopt the night before.—He had brought to the recollection of the Jury the steps that had been taken by these Societies in sending Joel Barlow and John Frost to Paris, with an address to the Legislative Assembly. He had pointed out the strong and unequivocal language they had used on that occasion, which the Counsel for the Prisoner had not even attempted to explain away; and he had drawn their attention to the answer of the Assembly, who seemed perfectly to to know their character and their views—for the President addressed them by the title of Republicans and Bretheren, and hoped that they should soon have to send an address of felicitation to the National Convention of regenerated England.

That these things were most important in the consideration of the present case no man could doubt, since it went, among other things, to shew the character, views, and objects of these Societies. They evidently went to prove that their uniform and sole intention was to overturn our happy Constitution, root and branch, and to establish in its room that anarchy which at least had not made the happiness of regenerated France. He next adverted to a letter sent to the Corresponding Society from a Club at Stockport, calling themselves the Friends of Universal Peace and the "Rights of Man."—The very terms begot a suspicion that they were not friends to the present Constitution. They attributed, he knew, all wars to the iniquity of Monarchies; and their favourite idea was, that a Representative Government would secure universal peace, when nothing but the wishes and the interests of the people should be considered. Such an enthusiasm hovered over this notion, that it resembled that of the Fifth Monarchy-men, who rose in an insurrection for a kingdom of the Saints in the reign of Charles II. Nay, so thoroughly were they persuaded of the sanctity of their purposes, that many of them persisted in their last moments to aver, that if they were deceived, they had been deceived by *Heaven*.

In people thus warmed by enthusiasm, no matter for what object, the most dreadful effects might spring up; politics might lead as far as religion. How, if they should fancy ardently a community of property, should we be able to stifle so dangerous an enthusiasm? The letter proves, that the London Corresponding Society endeavoured to prevail upon all the other Reforming Societies, to address the National Convention of France. The Prisoner had said, in their situation, signatures were the best supplies, and names in great numbers would be more serviceable to them than money. It is sufficiently obvious, that this Society thought the French cause *their* cause: they offer them their aid and assistance, express the utmost friendship, and their great satisfaction at the extinction of treacherous royalty. They congratulate them upon their glorious victory; and what victory, Gentlemen, do they term so? The 10th of August. No answer has been heard nor observation ventured upon this address—the silence on the other side is conviction that they cannot repel it. However, they go on to say, "if ever our Ministers should lead this country to join the league of execrable despots combined against you, we

will stand forward at the hazard of our lives"—thus meaning to compel or resist the measures of Government, if they should affect those they are pleased to term Defenders of Liberty.

The letter from Norwich, upon which observation has been made, as it was necessary to observe upon something, is dated Nov. 11, 1792. It is addressed to the London Corresponding Society, and expresses admiration of their well adopted plan of reformation of the state. They desire to send three of their members to be incorporated with that society. With respect to this plan, it was pretended to be that of the Duke of Richmond. This I think a wild one; if I remember, it proposed to elect, by about 2600 voters, a House of Commons of 500 members. But the Duke of Richmond never thought of giving a right of equal citizenship, and a share in the election of the executive government. The Sheffield declaration meant the Duke of Richmond's Plan only, and accordingly soon found out that they must abide by the conduct of the Friends of the People, whose object was a moderate Reform. The letter declared that they would have nothing to do with the Society for Constitutional Information on account of their idea, that they meant to go the length of all Paine's plans. It is thought that we press hard upon the defendants, when we depend on this approbation of Paine. It is, however, probable the Norwich Society understood the thing as we have stated it, and would have been contented with the Duke of Richmond's plan; however, they ask the London Corresponding Society, whether their plan be to rip up monarchy, and plant democracy in its stead?

If this Society had only had in view the framing anew the composition of Parliament, they could have had no reason to demur at answering explicitly and directly.—LYNHAM'S testimony is here distinct and clear, whatever may be said about his being a spy, it stands uncontradicted and must be received. There would have been no occasion for deliberation—they would have answered it at once simply and indignantly, at being suspected of a design so abhorrent from their true object, a Reform by legal and constitutional means.

However, on the 28th November, they do answer. In the Address the word *Gentlemen* is scratched out for *Fellow-Citizens*. There can be no question that there is nothing criminal in the use of the term Citizen, unless it is with some peculiar view; but it is here meant to discriminate between the *Citizen* of a Government founded on the rights of EQUAL CITIZENSHIP, and the *Subject* of Governments originating in conquest, or the progress of faction usurping upon the people. It has been asserted by Paine, that we have our Constitution from William the Norman—nothing can be farther from the truth; if you refer to the history of the country, you will find that he altered only the Aristocratic part, and that the Saxon Laws remained in full force, particularly in the administration of that justice, which secures the liberties of the people. The fact is they determined to be Fellow-Citizens; that is in plain terms Fellow-Kings. The answer refers to their Addresses, upon which no comment has been made, and it was stated that if numbers of people united themselves, the reform would make itself—their difference is stated to be trifling—that is between ripping up Monarchy and Reform of Representation. They advise a division into numerous small bodies, and that each of these should send a Delegate. They publish and recommend books for the instruction of weak Members, by which is meant such as had not attained the requisite pitch of enthusiasm.

But what answer do they make to the query about ripping up Monarchy? "Let no disputes concerning Monarchy, Democracy, or Religion molest us, let us set them *entirely aside*, and leave to a Parliament, fairly and freely elected by the people, the task of reforming all grievances." But it must necessarily be a pure democracy they meant, by alluding to a Parliament so chosen—"New Reforms were expected in a Parliament uncorrupted by a Minister."

But you have been told the prisoner never talked of these objects. What does this prove, but that he practised himself the lesson he taught to others, and left their rights to be restored by this Parliament; however, this is declared, "that they are not so sanguine as to imagine they will be restored by the spontaneous consent of those who have robbed them so long of them. This assertion implies a degree of force in the means they should adopt to procure them. You may judge of a man by the societies he is admitted to, and of the objects of men by their opinions. Let me ask you whether, if the Roman Catholics or Papists (they make a distinction, I believe) had sought to form a Convention, would you not have been warranted in inferring that religion was their object? The modern French are to the full as intolerant as the ancient papists, and there is the same obligation on the conscience in politics as religion. If they hold theirs the true Government, and proclaim it unawfull to have any other, it will be to the full as mischievous. Applying this intolerance to Government is also new, and must unsettle every established state in the world. If our Societies will consider no Government legal but such as is established in France, and recommended by Paine, can they aim at any thing short of the destruction of the English Government? If they get power to make a Reform, their principles lead them, and they must necessarily do the *whole*. They do not declare these merely as opinions, they say they will *act* upon them—they resolve they will make it a Republic—they have declared how they will effect it—it is a conspiracy. They propose that their Convention shall be addressed by the French as the Government of the country.

The Revolution in France sprung from small beginnings; but great has been the similarity, as far as our Societies have proceeded. The different effects may be found in the respective governments of the country. France had been governed by a despotism the most tyrannic and oppressive: Every body felt this, and at the voice of excitement, to redress their wrongs, the spirit, the *opinion* of the People, by which alone government subsist, failed all at once. The very circumstances attending the Assembly of the States General, made it obvious that there must be a Revolution.

The Government by the Constitution of this country had long been an object of attachment with all its faults and all its imperfections. We have been told all this is prejudice—most of our opinions are so. They flow out of education and habit, and a veneration without examination for a state of things from which our ancestors have recorded their best blessings to arise. These are salutary prejudices. And here is the difference between the man of education and the man without learning, that the one examines the causes of prejudice, and speculates upon the importance of defect considered as working up from the temper and constitution of our nature; The other receives them merely because his father has transmitted them to him.

The great majority of the people cannot, with any suitable profit to themselves, apply to the consideration of Governments—if they prefer any, it is either taken upon content, or because they believe it to have produced happiness greater than that of other governments. Few men are competent to discern and consider how the alteration of the parts of a system affect the whole. The first attempt to destroy a Government, therefore, is to overturn the prejudice by which it is supported. Such was the practice of the States General of France in the year 1789, and such here now the conduct of their imitators. I do not call them imitators merely because they adopt certain *terms*—such as *Convention*, (Committee, I believe, is not French, they had it from us) but because they know these men have destroyed the Constitution of 1791, at the head of which was the King, and certainly as a free Government this was nearly what they pretend here to require. Paine was perfectly aware of the force of this opinion which secures States, and therefore he sets out with calling himself a Citizen of the World—When a man is so, he becomes, in a degree, an enemy to his own country. All the endearing ties and dependencies that spring from family, that extend to neighbourhood, and are bounded by the country which gave us birth, vanish, and we learn to dismiss the feelings which produce the character of the father, the friend, and the patriot.

He opens the 2d part of his Rights of Man with declaring, "if we had a basis on which to stand, we might raise the world."—Thus applying to politics what had been said of mechanics. The propagation of his principles would be that standing place. He says, alluding to the expression used in France upon the 10th of August, "that revolutions may be considered now as the order of the day—their dangers were before them, and the principles and advantages were known and seen." Pamphlets were written for the purpose of inducing the people to subvert this Government, by PAINE, BARLOW, &c. and to destroy the two parts, the King and the House of Lords, which, Counsel say, the Prisoner meant to retain. They declared we had no constitution—how were they to reform what did not exist?

Nothing can surpass the ease with which revolutions may be excited when the opinion of the people is destroyed—an ancient writer says, that, "he that goeth about to persuade the people to remedy defects, shall never walk in safety, since no man can remedy them all;" and many such are perhaps irremediable on account of the prejudices which have grown up with the people.

They knew that there must be some *head* in all Governments, and they observed the operation of the Jacobin Club and its 44,000 affiliated Societies; that, in fact, it had given law to all France, and dictated to the Convention—Their object therefore was union, and the Jacobin Club their model. One of these Societies, that for Constitutional Information, had been originally composed of men of character and talents, however some of them might have been soured by discontent at disappointed hopes. By degrees persons crept in with bolder views, and more dangerous principles—the original members left the Society—Sixteen or seventeen persons usually guided the Society, among whom (a constant attendant) was Mr. Horne Tooke. However, this was not even then such a one as could be considered as any thing like the Jacobin Club. Mr. Sheridan had been a member, although he had not attended for several years. However, as they left the names of the original members standing in the books, it was not perceived that they had seceded.

It was, however, necessary to their designs to have some other Society as subordinate, and, in consequence, Hardy and some others framed the London Corresponding Society. Hardy seems to be the leader; at all events in the character of Secretary, he sanctions all the measures by signing them. He becomes also a Member of the Society for Constitutional Information. They were to form divisions—a Committee of Delegates, these a Committee of Correspondence, which became the Committee of Secrecy, and thus their proceedings were intimately combined.

They have declared by three publications, as they did in the Norwich letter, their resolutions to resist all oppression, insinuating that this Government is an oppressive one—only calling an act one of oppression, they declare they had a right to resist it. They declare that they have

a right to share in the election of the Executive Government, not merely a right to choose their Representatives, as in the Duke of Richmond's plan. They then declare the people not represented—they say they would have all partial privileges abolished. This latter applies to the peerage as much as any thing. Add to this their right to a share in the choice of the executive servants, and the amount is an wholly elective Parliament.

Another circumstance extremely singular is the proposal of tests to those inclined to become members—this precluded discussion of the objects—a man to be admitted must first profess himself of opinion that

1. The present Representation of the People was inadequate and delusive.
2. That every Adult ought to have a vote for his Representation.
3. That he would promote a fair and free Representation, by all *legal* and *justifiable* means.

To understand this, we must remark, what they had determined to consider illegal, and justifiable means may then be interpreted by any. The design was thus, to govern by a tyranny of these Clubs.

In the next set of Resolutions, the terms welfare of these *Kingdoms* are omitted, and the word *Kingdom* altered to *Country* in several places. Aware that the great majority of the people were not with them, they resolve,

That no majority can deprive the minority of their rights, and when they attempt it resistance becomes a right. These are understood of civil rights, and they explain them to be "Equality of voice to make laws, and equality of choice in the persons to administer them."—Gentlemen, does the spirit of the British Constitution permit this? It was usually thought a strong thing to say, that the majority had a right to alter the constitution of a country;—individuals might be found whose habits and occupations made the existing government agreeable to them, their right to such a one was only vacated by the irresistible plea of necessity.

If two men were floating upon a plank in the sea, and the plank would bear with safety only one, the law sanctioned the stronger pushing the weaker off into the ocean—(the dreadful alternative forces these tears from me.) They have taken a resolution to rebel against every Government, not founded on their principles, and yet we are to be told they have a perfect reverence for the Government of this country. Their resolution of 6th August flows from these principles, and other pretences are only veils to cover their designs. They begin their Address with an extract from Thomson, extremely well treated as his habits lead him to do, by Mr. Erskine—The sentiments were not objectionable, but it was the view with which they were quoted that made the offence; any and every good book might be so prostituted, and in this view no one has suffered more than the bible.

We are told then that an *alarmed* Aristocracy had already made preparations to counteract their plans, (that Aristocracy, which they meant not to injure) but that they demanded the attention of the people to the vitiated state of the British Government. Great attempts, by the way, are always made to excite the *poor*. Paine's works are written upon that principle. The great end attainable by the whole nation was an equal Representation of the great body of the people.

It is obvious that a resolution had been formed to subvert the Government, and that the Reform was a mere pretence: They were told this repeatedly. They continued to think in secret, that if they could gain annually elected Parliaments, all the rest would follow. Some things particularly strike in their address. They will retrench the waste of the revenue—waste, therefore, *had* taken place. "The People's Parliament would restore lands improperly granted by the Crown to the People." The whole landed property might, upon such pretences, be resumed; half the Crown lands being held by grants from the Crown, which cannot be traced, are cultivated and improved by men, who would thus be plundered of their property.

This is precisely what was done in France—this was their grand injustice, and this was a second time held out to delude the people. That particular baits were held out for the poor will be allowed when the regulation respecting Spitalfields is remembered. Other reforms were expected to take place when this Parliament should be held. Their object certainly was to exclude a House of Lords, although the Constitution they sometimes affect to reverence exists only by a middle power. This power was terribly decreased by the civil wars between the Houses of York and Lancaster—most of the great families were destroyed, or scattered, or attainted.—When the 7th Henry ascended the throne, there were only 30 Peers, and in consequence, there was not that stand made that would otherwise have checked the ambition of that monarch and his son. From this defect flowed the subsequent ascendancy of the Commons in the reign of Charles I.—And that Monarch lost his head, because the barrier which would have restrained the spirit of the Commons was no more.

That our societies intended to *depose* the King is clear from all their plans centring in a republic—this is an evident act of High Treason. I must state to you a very artful proceeding, which has not been attended to—as the Society for *Constitutional Information* met on a Friday, that which was called the *Corresponding* met the evening before. All violent resolutions were to originate in the latter, or the country societies, and then be brought and submitted to the sanction of the elder club.

The letter from Sheffield, 15th Oct. 1792, says,

"It will be vain for the friends of reform to contend with their tremendous host of enemies, without mutual support—we clearly see that Scotland will take the lead of this country—there is a necessity for constant Correspondence—France by this means became united, and we ought not to lose sight of it." How can Government subsist with such bodies in the midst of it? Government is a Corporation; but these numerous societies are distinct Corporations that act like States. The India Company is a Corporation for the regulation of our Indian Estates, in subordination to the Governtment of the Country. But these clubs are bodies moving in regular action, subordinate to one principal club; like the States of America they have one Government for the whole. Such a scheme, *imperium in imperio*, is inconsistent with any Government. This was the error in the French Constitution of 1791, as distinctly stated by M. Andre.—It was not an improper thing that such clubs should assemble, while they did not *act*; but if they acted no Government could subsist.

In all these proceedings the Prisoner has borne a distinguished part; besides that as Secretary, he was privy to every thing. The letter of Hardy to Mr. Vaughan of the 9th April, shews that he had concerted how the people might be deluded. With respect to all or any of these transactions, that gentleman has never been called to explain any thing.

With respect to the rise of the Convention, this was it. There had been several Societies formed about the country; they solicited a correspondence with the London Society. Delegates met early in the year 1793, and adjourned until the month of November. They described themselves merely a Society of Delegates for the purpose of effecting a Parliamentary Reform. Skirving, by a letter dated, May 25, 1793, speaks of his disposition towards the work, and requests leave to correspond with him upon the subject. On the 5th of October, Hardy writes to Skirving. He speaks of Muir and Palmer's trials—and he says "the idea of a general Convention appears to Margarot and himself an excellent measure. He wishes Skirving would communicate his ideas to the Society, without any hint of the private correspondence; he makes no doubt the Society would agree to it, and insists upon the necessity of availing themselves of this opportunity, which once lost may never be recovered."

Then a letter from Skirving, in an official way, communicates to both Societies the plan of the Convention, and they agree to send Delegates to the Scotch Convention; Sheffield and Norwich sent Delegates also. These were instructions to the Delegates given and signed by the Prisoner:

1. That they shall obtain Annual Parliaments and Universal Suffrage by rational and lawful means.
2. Sheriffs and Juries were to be chosen by lot, and the Representatives to be paid by their Constituents—

And this without reflecting what mischiefs had sprung in France from the consequence of this payment. Illegal force was defined to be that which prohibited the meeting of Societies for Reform. Thus resistance was declared legal of the powers of the Crown, if necessary to the attainment of their ends. If resistance can be made lawful, they may vote attack lawful for superseding the necessity of resistance.

The resolutions of the Society for Constitutional Information were more moderate; however, all that was done by the others they approved, and one Resolution they sanction, namely the Seventh: Yet if delegates go beyond authority, it ought to disavow their acts; this is not their case; they approve and declare they will support them. It is fitting I should examine now what were the proceedings of this Convention? I shall not search into them all, though some few it is proper for me to notice: They call themselves the British Convention of the People; this was unnecessary and improper. If they meant but to petition Parliament for a Reform, to convey their delegated opinions, is at all times improper. The people delegating, not appearing, made it still more improper. But if they imposed upon the world as a Convention of the People, they attributed to themselves the title, in order to seize and employ the power. Persons, however, so delegated, thus imperfectly upon their own plan, could not pretend to represent the people, they were merely Delegates from a few Clubs.

Yorke indeed puts this matter beyond a doubt; for he expressly says, the British Convention splits upon a rock, because they had declared themselves too soon a Convention of the People; they should have obtained that sort of tacit acknowledgment of their proceedings from the people, which is the result of a publicity not discountenanced.

The States General of France, assembed on the 7th of June, 1789, by the authority of the King, declared themselves a National Assembly. The people, by various arts being used, supported them as their Convention, and from that time lodged there the sovereign powers of the State. The British Convention at Edinburgh ought to have addressed the public at large, and, if approved, then they might have assumed all the powers and authorities of such a body.

They dated their transactions the 1st year of the Convention one and indivisible; not to be separated until their objects should be accomplished. This very act was an act of High Treason, as the Attorney General had correctly said in his place in the House of Commons. His learned friend Mr. Gibbs, when remarking upon the prosecution, had said that these acts did not amount to High Treason on account of defective evidence, although they were seditious. The Courts of Scotland had been erroneously accused of rigour in the prosecutions there for sedition. The matter for examination was, whether the

law of Scotland pointed at any distinct crime as sedition? If it did, as assuredly it does, it was highly proper they should be tried upon it. Sedition was anciently the law of England; however, now the distinction is merely whether the offence rank as misdemeanor, or reach up to High Treason. It appears that the reformers of Scotland corresponded with the prisoner, that they adopted their proceedings in this country.

Margarot says, the Societies in London are numerous—In Sheffield alone 50,000 people were associated, although it is well known that Society never contained more than 600 at most—Thus by exaggeration he gave them a consequence that did not belong to them, and in the result, imagining their numbers thus great, they adopted the character of a Convention of the People.

The principal thing they did in their new junction, was to make another and a new Union between Scotland and England. Whether this might be a wise measure may admit of some discussion—but they have assumed to break through by their own authority the Convention now existing. They appointed a Committee to draw up a plan of general Union—They issued tickets for admission, and voted themselves permanent. In the mode of their great model in France, they exercised the powers of a government, and received contributions—patriotic gifts—donations, &c. and in the formulary talked of taking the sense of the House.

That they meant to use force to effect their purpose was evident. The task of enlightening the Highlands must refer to arming. They were recommended to copy the Bill of Rights in the front of any of their declarations or pamphlets, to prevent improper constructions; but this was clearly meant to deceive. To what purpose else was that bill to be copied into their books, which some of them had called a Bill of Wrongs? But it told them it was lawful to assemble a Convention, and this was something; it would delude the people, as they had deluded one of the witnesses Hill, who told you that he wanted only to restore the Constitution of 1688, when except the triennial and septennial Bills, there had been no material changes.

He then alluded to the famous blank resolutions of November, 1793, when Citizen Brown discussed the Habeas Corpus Act; this man was the editor of the Patriot. Gerald addressed them in an eloquent speech, and Margarot proposed the resolutions.

That the Convention had an undoubted right to discuss all objects relative to their rights, and they declare before God and the world to follow the example of their brethren—and they will resist *superior* force that should strive to disperse them. So that if any bill had been passed then for the suspension of the Habeas Corpus Act, they would have been in a state of rebellion. They were to have been ready to act, if an invasion of any foreign or internal enemy made it necessary, and in that case the Secret Committee was to have been removed to some other place of security, be declared permanent, and act accordingly.

But what must have been the nature of these proceedings, which could not bear the light of day, and were so mysteriously hid from the eye of Government? They instituted *Suppléans* of their Deputies—the Delegates were to hold themselves always in readiness to depart at an hour's notice, and the Secret Committee was to fix the place, if they should be dispersed by Government. They did refuse to disperse—as Margarot communicated how he was dragged out of the chair. A Committee of Emergency was to sit not merely if they should be dispersed, but on account of any extraordinary measure. In case of invasion they were to be assembled. Margarot states in his letter of Dec. 2, that they had done what could not be communicated. Seven Delegates could vote themselves permanent, and 21 could act. Thus you see they were provided against whatever might happen. Papers were referred to as making part of a parcel they did not dare trust by the post—— these were to be read by Hardy to such Members of the Society as he should think proper to trust. These cautions to Hardy are in private letters, to be communicated or not as he should judge of the fervour of the individual. The Prisoner was the active agent of their designs, and intimately acquainted with all their proceedings. Have they, let me ask, the slightest semblance of a design to petition Parliament.

The picture of a Highlandman, properly dressed with his broad sword and target, before their books, could only be meant to excite them to arms, it had certainly nothing to do with a peaceable petition to Parliament. There was a proposition to form a Commission of Observation to keep watch over the British Parliament—this was negatived, and it was determined to request the London Corresponding Society to keep a close look out upon the proceedings of Parliament.

Touching the Reform of Parliament, their sincerity may be guessed at from the observation of Margarot, that it was unnecessary to lop the branches when they intended . . . . . (To cut down the tree is the only way in which the blank can be filled up.) They, no doubt, meant to avail themselves of foreign assistance, if it could be had, or by their own force accomplish their objects.—In London, a variety of proceedings took place, for the purpose of procuring another Convention, in consequence of the dispersion of the British Convention in Scotland.

The first proposition that appears of this kind is in a letter from Hardy to Adams, dated 10th January 1794, to hint to him the Anniversary Dinner of the 20th Jan. 1794. In the mean time Margarot had communicated the circumstances of their situation, and incited them to spirited measures. Hardy answers that they were de-

termined to act like the men they professed themselves—and he accordingly writes to the Norwich Society, Jan. 11, communicating what he has done. He adds, "Now is the time to do something worthy of men." Now while the Defenders of Freedom are South and East of the Channel, driving their enemies before them like chaff before the wind. He reports, that there were no hopes the people would generally join them, but the French would enable them to succeed. He adverts to a Meeting of the 20th Jan. as the time when something would be done.

The Solicitor referred to the proceedings of January 17, in the Constitutional Society: They allude to Judge Jefferies, and add that those who imitate his conduct deserve his fate—meaning that the persons in Scotland had experienced similar injustice: That the Convention merited the approbation of all *wise*, and the support of all *brave* men: The latter epithet marked their design. The time was fast approaching when power must oppose tyranny. The Solicitor observed, that such matters were not to be decided by a Jury, they appealed to the sword. They pass a resolution opposing all the acts of the Scotch Convention. In allusion to the transportations to Botany Bay; they add, Do you think we also shall not be treated as felons? Do you believe they will not send us after our brothers to Botany Bay? Their cause and ours is the same—We are at issue—We must oppose force to force—We must chuse freedom or slavery now.

You may ask what means they have taken to accomplish their objects? As to their means, they themselves explain them, not to petition the Parliament. "Who hopes to gather grapes from thorns, or figs from thistles? We must seek redress from our own laws, and not those of our enemies, plunderers, and oppressors—there is no other redress for a nation circumstanced as we are."

Can any man doubt that the act of proclaiming the Pretender would be treason? Is not the act of proclaiming a Representative Government the same? He referred to the election of BARRERE and ST. ANDRE members of the Society for Constitutional Information. He remarked upon two of their toasts:

"Success to the arms of Britons, against whomsoever directed."

The other sentiment was only intelligible by referring to Barlow's letter to the Convention, in which he said that a King was good for nothing. The sentiment alludes to this,

"All that is good in every Constitution—but may we never have superstition enough to reverence any part that is good for nothing."

March 27, Hardy writes a letter to the Society for Constitutional Information, respecting measures to be taken in consequence of the moment being arrived. He declares that he looked to the speedy accomplishment of all his wishes—and these must be the annihilation of all ranks, of a King, of the Nobles—and the establishment of representative government. The Chalk Farm Meeting, and the arms, drew from the Solicitor some comment, though brief, and not in any new form.

He touched upon the evidence, and stated the candour of the Crown, in concealing nothing from the Jury—if defective or contradictory, it was then to make for the prisoner.

And now, Gentlemen of the Jury, said he, I have nothing more to offer—I have discharged, God knows! with much pain, the harsh duty reposed in me—You will now do your's—If your verdict shall discharge the prisoner, I know you will give it with joy; if the contrary, yet it must be given; the cup, although it be bitter, must not pass away from you. I have had a duty to perform beyond my strength and my abilities; I have discharged it faithfully, and satisfied my conscience.

It may here be proper to remark, at the close of the prosecution, that no men ever conducted themselves with more mildness and humanity, than the Counsel for the Crown. Mr. ATTORNEY GENERAL was manly and dispassionate, firm and humane. Mr. SOLICITOR was so visibly affected, that he concluded quite suffused in tears.

The LORD CHIEF JUSTICE rose and said, he had received a suggestion, that it might be desirable in such a mass of evidence to refresh the minds of the Jury by either reading over the written evidence, or repeating such parts of the parole as might be judged essential to the giving them as perfect a knowledge of the subject as could be had.

Mr. ATTORNEY GENERAL and Mr. ERSKINE, after consulting with the Prisoner, expressed their opinion that it was not expedient. His Lordship then said, that if there was any paper which he might omit in summing up, affecting either the prosecution or the defence, he begged they would remind him, and at their desire it should be immediately read. He added, that if the Jury pleased, they might now take their refreshment; after which he should begin and conclude the summing up of the evidence to them. He begged they would consider his time as theirs, and send for him, if he should not be present when they were refreshed, and he would instantly obey their pleasure.

The Court being resumed at five o'clock,

The LORD PRESIDENT addressed the Jury as follows:—The prisoner, gentlemen, stands indicted for High Treason in compassing and imagining the death of the King, and the indictment contains nine overt acts, which are alledged in proof of this charge.—1st, That he conspired to levy war against the King within the Realm. 2d, That he collected arms for that purpose. 3d, That he conspired to overturn the existing Government of the country. 4th, That he dispersed letters and addresses, in pursuance of this object. 5th, That he dispersed letters and addresses, with a view of exciting such

a conspiracy among the People.——Besides these five allegations in the indictment, there are four others, charging a conspiracy to collect a public Convention in order to overthrow the existing government of the country by that means,—first, that he conspired to depose the King through the medium of a Convention. 2d, That he wrote and copied books, letters, and addresses, purporting to obtain that object, and inviting and encouraging the people to send delegates to such a Convention. 3d, That on various occasions he met and consulted, how, when, and where such a Convenwas to meet. 4th, That the more readily to accomplish such end, he frequently met and co-operated with others named in the indictment, for the purpose of calling such Convention.

For the present, Gentlemen of the Jury, I wish to call your attention solely to such evidence as conduces to substantiate some one of these points; for this purpose I shall recapitulate the parole evidence, and make such observations as have occurred to me in the course of its delivery; and in doing this, I shall further offer to your consideration such parts of the written evidence as appear to elucidate the subject.

He now read over from his own notes the evidence which has been given already in this paper, and may be found fully detailed in these REPORTS of the TRIALS, to which work the references after made are meant to allude. *William Camage* and *William Broomhead*, page 42, 43. On the subject of the resolution entered into in consequence of Yorke's Address, at the Castle Hill near Sheffield, his Lordship observed, that though the general libellous nature of the speech was not very material to the present question, yet it was very important to observe, that one part of it spoke of an *impending storm*. The speech was then read by the Clerk of the Arraigns; as was likewise the *Address to the British Nation*, mentioned in the same evidence.

The LORD PRESIDENT. I thought it necessary to have this document read at large, as it has been much relied on by the Counsel on both sides; who have drawn, however, conclusions from it, directly the reverse of each other.—You will remark, Gentlemen, that this Address contains a resolution that the Society would not petition Parliament any more on the subject of Parliamentary Reform, and that some *other* course was to be taken. What that *other* course meant, it is solely, Gentlemen, your province to determine, from the evidence produced, taking into consideration at the same time all the context and relevant matter, both previous and subsequent. Among other things it is remarkable that it was just at this period that a Convention began to be talked of. The Address, whatever effect it may produce on your minds, was found, you will recollect, in possession of the prisoner on his apprehension.

—— *Alexander*, page 44. The LORD PRESIDENT observed, that there appeared something extremely obscure in all this witness had related concerning the departure of Yorke for Belgium, and the conversation that he held on that occasion, the substance of which was, however, indicated on expectation of his being at the head of a rebellion by Christmas, which was then ripe for breaking out, and expressed a hope that the Society would stick by him. The date, 1793, of this conversation, is of importance in guiding your judgment as to what this extravagant discourse alluded to.

If what fell from this witness is to be much depended upon, you will take into consideration that his credibility stands impeached from what came out on his cross-examination. In confirmation of it, however, you will not forget that what he spoke to, he mentioned as having passed before many witnesses, not one of which are called to contradict him, though it would have been very easy for the Prisoner to have produced any member of the same division of the London Corresponding Society.

Widdeson, page 46. Among other things, this witness deposed, that the only plan he had in view was a reformation in Parliament on the ground of Universal Suffrage and Annual Parliaments, according to the proposition of the Duke of Richmond.

The LORD PRESIDENT. I hope the declarations made by this witness will be a *lesson* to men of rank and property in future, and that they will confine their thoughts on these subjects to those places, where, by the Constitution, it is proper they should be discussed, and where they have a right to bring forward the investigation. They will see, I hope, from this example, the mischiefs which may arise from forcing discussions of great importance on minds inadequate by habit and education for the task, and will be careful not to publish their sentiments to the world in forms which may so readily find their way among the people, and be subject to such abuse. Nothing could detect the artifice and imposture of those debates, in which these subjects were investigated, more than the fact which had appeared in evidence—namely, that the subject was even at times proposed, in order purposely to be rejected.

Edwards, page 47. When his Lordship recited the play-bill, advertised under the title of the Guillotine, or George's Head in the Basket, he said, this play-bill certainly, Gentlemen, is a most infamous and detestable paper. What it points at is much too plain to be mistaken; but how far it is connected with the subject of the present indictment, is another question, and is with you to determine. In itself it is a gross and scandalous libel, deserving of any punishment that could be inflicted, but you will of course give it no more weight in the present trial than you will think it fairly deserving of.

This man's evidence, as it otherwise relates to the prisoner, mentions that he was told that Hardy could tell him where to procure pikes. In consequence of this information he went to him, and was told where they were to be had. Now this appears to corroborate the fact of the letter sent from Sheffield to the Prisoner on the same subject, and shews, that he availed himself of the information received; and that he was privy to the intention of arming, and active in procuring it.

Williams and *Sanderson*, page 49. His Lordship observed respecting Williams's testimony, that Hardy and the witness might, by possibility, exchange shoes and guns with the most innocent intention. But it farther appeared, he said, that Hardy gave him a card of direction to an association composed of members of the London Corresponding Socity for learning the use of arms, which was secret in its practice, and took upon itself a false title, namely, the Armed Association of Lambeth, when it was notorious that no such association subsisted. This secrecy and disguise on such a subject looks a good deal suspicious that some bad intention was lurking at the bottom. It appears too that they were under the direction of the Secret Committee, and frequently changed the place of their exercise by their direction.

Gosling, page 49. The LORD PRESIDENT said, there were two facts in his evidence of great importance, if the credibility of his testimony were such as to induce the belief of them in the minds of the Jury; 1st. That it was proposed to *arm* for the *protection* of the Convention; 2d. That as soon as they (the Society) were completely organized, they would soon be *furnished* with money. It was worthy of remark also, that he had spoken of prints of soldiers handed about, in which the *Bonnet Rouge* or Cap of Liberty, was substituted for hats, which were usually worn.

This testimony, he observed, was not contradicted, and his credit was only shaken by what he himself, on his cross-examination, dropped; but if believed, which rested entirely with the Jury, it contained many facts of importance.

Groves, page 53. The Rights of Swine, or an Address to the Poor of Stockford, was read, as mentioned in the course of this examination. His Lordship observed, that the general tenor of the paper was bad, but the last paragraph, calling on the poor to chuse Representatives among the lower orders of the People, was the worst part of it. The date of it, Jan. 5, 1794, he thought somewhat of consequence to attend to.

The Song found in possession of Hardy without a date was read.

The LORD PRESIDENT. I should observe, and it may apply to many parts of the evidence, that there is a great difference in the case of a document being simply found in possession of Hardy, and the addition of positive evidence that he assented to it. As a Secretary of a great popular Society many things might be sent to him, which he was unacquainted with. When these were improper and illegal, prudence would suggest indeed that they should be destroyed, but it was not in itself very criminal to neglect it.

George Lynam, page 58. His Lordship observed, that when the Norwich Society asked the London Corresponding Society, if they confined themselves to the Duke of Richmond's plan, or whether they meant to rip up Monarchy by the roots: To this they replied so guardedly, that some suspicion unavoidably arose from that very circumstance.

After recapitulating several other parts of the evidence, the LORD PRESIDENT stated from *Lynam's* deposition, that worthy mention was made of Mr. FOX's sentiments, as to the people having a right to alter the Government of the country. At the same meeting (on the 4th of February) it was resolved, to have nothing to do with any one who had been connected with Lord GEORGE GORDON—Resolved to demand a conference with the Society for Constitutional Information, as they appeared to go as far as themselves; and to have NO FARTHER INTERCOURSE WITH THE FRIENDS OF THE PEOPLE, who never meant to go so far as the other two Societies for Reform, viz. the London Corresponding Society, and that for Constitutional Information.

It was next stated by *Lynam*, that at a meeting of the London Corresponding Society, to which Hardy belonged, thanks had been given to Mr. Wharton for his speech in the Commons House of Parliament; that 10,000 copies of it should be printed; that a gentleman in Walworth was the author of the paper respecting the *Guillotine*, or *George's Head in a Basket*; that the Edinburgh Convention had been approved of; that the conduct of the Magistrates of Edinburgh had been condemned; that a Committee was appointed to watch the proceedings of Parliament; that Hardy was present when an address was proposed to the nation at large, which, it was hoped, would effect their purpose; that a Committee was appointed, on the motion of Thelwall, to consider the present posture of affairs; and that a Secret Committee was also instituted, whose names were to be concealed from the Society at large.

The LORD PRESIDENT remarked, "Although it would be a tedious task to go through the whole of this man's notes, where some contradictions or improbabilities arise, yet I cannot think the principal parts of his evidence are in any degree shaken. And as to the information which the witness, *Lynam*, gave, it may be proper to mention, that if any illegal or unconstitutional means are adopted by turbulent people, it is the duty of the Magistrate to interpose his authority, that the community at large may not suffer."

[It was the intention of the PUBLISHER of these REPORTS, had the Trial concluded last night, as was expected, to have given the whole complete in this Number; but as another Number must be given with the proceedings of This Day, he has necessarily, for the sake of expedition and accuracy, delayed a part of the Proceedings of the Eighth until the Ninth, which will conclude the whole.]

(Continuation of the Eighth Day's Proceedings.)

The LORD PRESIDENT next commented on *Thomas Greene's* evidence (p. 61. of these REPORTS). "Here appears a flat contradiction between what *Groves* and *Greene* advanced in the course of the Trial. Groves swore, that when Greene sold him a knife of a certain description, he advised the former to speak in a low tone of voice, for that his wife—who was a *damned Aristocrat*—might hear their conversation from the parlour. Now, though Greene has positively sworn that he never used such an indecent expression, the testimony of the witness, as to other particulars, remains uncontradicted."

On *William Middleton's* evidence, p. 63, who related to the Court certain particulars respecting the Edinburgh Conspiracy, the LORD PRESIDENT observed—"This person's testimony was objected to by the Prisoner's Counsel, as having been subsequent to the time when Hardy was taken into custody. But I have another and stronger reason for objecting to this evidence. Nothing has transpired which makes it probable that Hardy was personally concerned in the Edinburgh Conspiracy."

John Shaw (p. 65). The comment on this evidence was as follows:—

LORD PRESIDENT.—"*Shaw*, the Messenger, has sworn to the papers which he found in *Thelwall's* possession, among which appeared Resolutions different from those produced at the Chalk Farm—pointing immediately to the PERSON of the KING. To strengthen the memory of the Jury, it may not be amiss to read these Resolutions once more.

[The CLERK then read the paper, in one of which Resolutions were these expressions—"Resolved, That the following words are not now part of the Coronation Oath:—"I declare that it is not lawful, on any pretence whatever, to take up arms against the King.'"]

LORD PRESIDENT.—"From what the Court has heard, there is no evidence which brings these Resolutions home to Hardy. It is true, that such a paper was found upon Thelwall; and that the expressions contained in it plainly indicate, that some dangerous designs were floating in the minds of Thelwall, Martin, and others concerned. I have offered my opinion; but whether Hardy was or was not an accessary, remains for you, Gentlemen of the Jury, to determine."

His Lordship's remarks on the Crown Evidence here closed.

LORD PRESIDENT—"The first witness called on the part of the prisoner acknowledges, that he was in Hardy's confidence; tells how much he was inclined to peaceable means; but it occurs to me as somewhat extraordinary, that, notwithstanding the great intimacy which subsisted between them, both in public and private, the witness should never have heard from Hardy any thing respecting the memorable letter from Sheffield about the pikes."

His Lordship then proceeded—"The next witness, on the part of the prisoner, is *Francis Dowling*, (p. 78) who gives Hardy an excellent character. He confesses that he voted for the Resolutions, merely because he saw others do the same. I dare say (observed his Lordship) that there are many who were actuated by the same principles, and who cannot assign a better reason for their conduct."

LORD PRESIDENT.—"As to *Alexander Wills*, dancing master, (p. 78) who was introduced into the Society by *Holcroft*, notwithstanding a confusion in his statement, saying, that he sometimes subscribed a guinea, sometimes five guineas, sometimes ten, and at other times two or three shillings only, but never less than two, it may be concluded that the man is harmless."

The next witness was *Archibald Hunter*, p. 78. "This man (said his Lordship) told you, Gentlemen of the Jury, that it was so long since he followed any occupation, that he could not recollect what it was. He, however, soon after confessed, that about twelve years ago he was a hair-dresser and perfumer; that he had acquired a competency, which was sometimes in the funds, sometimes in houses and lands, and at other times in his pocket. What you can make of the testimony of such an ambiguous character, and such an extraordinary witness, I declare I cannot tell."

The LORD PRESIDENT recapitulated all the other parts of the evidence with his usual fidelity and candour, remarking, that all the witnesses agreed in giving Hardy the very best character; affirming, that his and their own efforts were merely directed towards a Reform in a peaceable and constitutional manner; and that they never meant to levy war against the King or Government.

LORD PRESIDENT.—"I have now concluded the evidence on the part of the Prisoner, with such cursory remarks as occured. I would proceed farther, Gentlemen of the Jury, but convinced that I must detain you till a late hour, I think it will be better, in your present exhausted state, to defer my sentiments till to-morrow morning, when, I hope, after a few hours, to dismiss you for your ultimate decision.

The Court was then adjourned, about TWELVE, till to-morrow morning (this day) at NINE o'clock.

End of the Eighth Day.----To be continued Daily.

TRIALS FOR HIGH TREASON.

TRIAL OF THOMAS HARDY FOR HIGH TREASON.

OLD BAILEY, WEDNESDAY, NOVEMBER 5.

NINTH DAY.

AT Nine o'Clock this morning, the Court proceeded according to their adjournment last night.

PRESENT,

Lord Chief Justice EYRE, President,

Chief Baron MACDONALD, | Judge BULLER,
Baron HOTHAM, | Judge GROSE.

The LORD PRESIDENT. At a late hour last night, Gentlemen of the Jury, I concluded summing up to you the parole evidence in the cause, and such written evidence as I thought necessary to recapitulate to you, as being connected with the other. I did not indeed think it necessary to restate to you the protest made in the House of Lords, because it does not strike me, as bearing with any degree of weight on the Prisoner. It was something that passed in Parliament, from which nothing but a very remote inference can be drawn to affect him.

Having thus concluded the evidence, it may be said, that this great and momentous cause is nearly finished. During the long period which it has occupied, it has certainly been attended to with the utmost possible attention, and therefore, whatever your decision may be, there can be no doubt but that it will reach the justice of the case, from the minute and laborious investigation which you have given. The verdict, in satisfying your minds, will satisfy the country; and the more so, perhaps, as it is impossible to entangle it with any point of law. Your opinions must be formed on the broad ground of evidence unconnected with any technical construction.

The Overt Act charged on the prisoner is, that he conspired to depose th King, and this has always been construed in law to amount to the offence of compassing and imagining his death. In this construction, every writer on the Criminal Law which has been quoted at the Bar, most unequivocally agrees. It is not therefore necessary, that it should appear that the first primary intent is to destroy the King, for the deposition necessarily includes that object; and this presumption of law exists from the violent presumption of fact; for who can for a moment doubt that the deposition leads necessarily to the death of the King. The point was indeed argued many hours at the Bar, but it requires few minutes to determine, and while it was argued, the fact fell from under the Counsel, who maintained it. They could not deny that no honest man could resist the conclusion, that to depose the Monarch, included the evidence of an intent to destroy.

The law, therefore, on this subject being out of the question, we come again to the fact of the case, and, in the language of the prisoner's Counsel, I repeat that the fact must be established by provable evidence; I do not say direct evidence, to avoid entangling you. The question, therefore, for you to determine is, Did the prisoner and his associates conspire to depose the King? This is a question of long and complicated fact to be drawn from the evidence adduced, and to arrange this evidence for your more easy comprehension has been my occupation for many hours, taken from the repose which nature required.

In the first place, I conceive that it ought to be conceded to the Prisoner that he set out originally with the design of carrying into effect

the Duke of Richmond's Plan, namely, Universal Sufferage and Annual Representation. It is, therefore, incumbent on the prosecution to satisfy you that the Prisoner and others, whether irritated by enthusiasm, or excited by the example of France, departed from their original plan, and adopted other pursuits. This is necessary in the present case, though in the opinion of many good and wise people, representation on the original plan is not far removed from the purest democracy, as implied in the expression; "A full and fair Representation of the people," which in the sense they used it, means a Government entirely by the people alone. The grounds from which the prosecution draws the inferences of a departure from the original plan to the pursuit of a pure democracy, it is your province and duty to decide upon.

Your attention will first be called to the conduct of the prisoner, and his associates, in 1792, previous to their Address to the National Convention of France. When you have considered that, you will attend to the Address itself, and afterwards carry your eye down to the Scotch Convention, and their conduct down to the year 1794. I think it will occur to your recollection, without reciting the evidence, that these societies conducted themselves in a manner which excited great notice, previous to the Address which they offered to the National Convention of France. The Friends of the People, a society composed of men of rank and property, refused to correspond with the Constitutional Society, and exhorted the Sheffield Society, with whom they continued a correspondence, to make an explicit declaration of their attachment to the principles of the existing Government, which was not complied with.

Even at this period, some of these popular societies were so far democratic, that the Societies of Stockford wrote to Hardy, to enquire if the London Corresponding Society meant to preserve the House of Lords and the Bench of Bishops. The Norwich Society wrote to enquire if they meant to adhere to the Duke of Richmond's plan, or to rip up Monarchy by the roots. The latter question, it appears in evidence, was received with some suspicion, that it came from an enemy in disguise, yet they returned an answer to both.

Now, Gentlemen of the Jury, we surely might have expected that if the Society had been honestly and sincerely attached to the Duke of RICHMOND'S plan, they would have lost no time, and have been eager to reply to these questions that they had no such intentions. They would most certainly have lost no time to declare in the most unequivocal terms, their attachment to the Constitution and its component parts, the King, Lords, and Commons, as established by law. This appears to be the natural course of the object they had in view, and was simply and honestly the Duke of RICHMOND'S plan; in such a case they must have been eager to negative the insinuation and doubt which the questions gave birth to.

Let us now see what answers they did in fact give to these questions, for which purpose I shall desire that they may be read; but in so doing I do not wish you to give conclusive weight to any particular word or expression. Men's lives are not to depend on such light and capricious foundations; I wish not even to extend much authority to actions, when they are single and unconnected. These restrictions have a general application, but it must be acknowledged that there are some individual words which are too strong, and some such actions too explicit to resist.

Look at these letters and answer, and then ask yourselves whether they import an attachment or enmity to the existing Constitution of the country, composed as it is of King, Lords, and Commons.

Copy of a Letter from the Society for Political Information at Norwich to the Secretary to the London Corresponding Society.

"Mr. Secretary,

"Sir, Norwich, Nov. 11, 1792.

"We, the Society for Political Information, are desirous of holding and strenuously supporting the noble sentiments which you so lately and friendly dispersed among us; and we so much admire your well-adopted Plan for a Reformation in the State, permit us, with the utmost deference to your worthy Society, to participate with you in all your great National Correspondence, which your very name promises to maintain; and in consequence thereof, it is humbly desired, by the Society, which I have the happiness to represent, to incorporate three members with your worthy fraternity; in doing which I shall here inform you of their names and residence, which are as follows, ——. Our principal design in doing this, is, that we may have an opportunity of knowing more exactly what may be thought the most eligible steps to be taken in carrying on this great business of our associated brethren, and to have an opportunity to ask such sort of questions as may be thought very reasonable among the brethren; especially when we think that publications are covered with a sort of obscurity in it, as the Sheffield people's Declaration, which seemed determined to support the Duke of Richmond's Plan only; but since we find, in a printed letter received from them in a book, that they mean to abide by some moderate Rerform, as may hereafter be brought forward by the Friends of the People, which method is uncertain to us. Again, we find that the Friends of the People, and the Society for Constitutional Information do not exactly agree;—we could be glad to reason. It seems to me as though the difference was this;—the Friends of the People mean only a partial Reform, because they leave out

the words expressing the Duke of Richmond's plan, and talk only of a Reform; while the Manchester People seem to *intimate, by addressing Mr. Paine, as though they were intent upon Republican principles only:* Now, to come closer to the main question, it is only desired to know whether the generality of the Societies mean to rest satisfied with the Duke of Richmond's plan only; OR WHETHER IT IS THEIR PRIVATE DESIGN TO RIP UP MONARCHY BY THE ROOTS, AND PLACE DEMOCRACY IN ITS STEAD. I shall now, Sir, give you an exact account of what plan I could wish to obtain, which I have already moved for at our General Meeting, viz. a full and equal Representation of the whole body of the people; a general suffrage of votes, and annual Parliaments. I remember the Society for Constitutional Information intimated to us, that Mr. ——— used to write to them in the name of the Revolution Society: If you approve of that Appellation, pray be so kind as to give us a full and satisfactory answer. I shall say no more at present, but remain a Friend to Peace, not to Anarchy; a well-wisher to the Rights of Man, when obtained by consent; and your most obedient, &c."

Copy of a Letter from Stockport, to the Secretary of the London Corresponding Society. Received 27th Sept. 1792.

"DEAR SIR,

"In obedience to the wishes of the Society here, I have the pleasure of acknowledging the honour of your Letter and the Packet which the kindness of our Brothers of the London Corresponding Society so opportunely presented us with.

It is doubly deserving our thanks, as it shews your kindness, and as it will be useful in the formation of our infant society: we stand much in need of your experience in this particular, and we doubt not of your best assistance. We are surrounded by a majority, a formidable one indeed, in power, abilities, and numbers, but we are not dismayed.

We have carefully perused the addresses, and I am to observe on their contents in general, that the sentiments *hardly rise to that height which we expect from men, sensible of their full claim to absolute and uncontroulable liberty,* i. e. *unaccouutable to any power which they have not immediately constituted and appointed.*

These are our sentiments, whatever may be yours, though in the present state of political knowledge *it may be prudent not to avow them openly.* We desire your sentiments on the means of accomplishing that object which we presume you have in view in common with us. We think it expedient that we should perfectly understand each other in the beginning, lest the appearance of disunion might furnish matter of triumph to our enemies. We observe one expression, which says, "Numerous other Reforms would undoubtedly take place, &c. &c." But we ask, how that Parliament is to be chosen? Can we expect it from the present order of things? *Would not all the evil be done away at once by the People assembled in Convention?* Does it appear probable, that the odious laws which we complain of will be abolished any other way? Can the grievances arising from Aristocracy be redressed, while the ——— retains its present authority in the legislature? Is the universal right of conscience ever to be attained, while the B——— maintain their seats on the ———.

Your thoughts on these most important points we most earnestly desire may be transmitted to us as soon as possible: Not directed as the last; we fear it may excite suspicion. Direct to Mr. ———, Stockport, who is Chairman occasionally in the absence of ———, who resides too far from hence to be at hand on emergencies.

Your's, &c."

——— ———.

In the course of the trial many critical observations have been made on these letters, you will judge from your own impression of the validity they contain. I shall not repeat them as unnecessary, but must caution you against entering too minutely into the criticism of separate words and actions, which will only lead you into a labyrinth, and prevent you seeing the case in its great outline, which in my opinion is the only mode of coming to a just determination on it.

I cannot, however, forbear observing to you, as a matter connected with the history of this Society, that they informed the Society of Stockford of their resolution to address the National Convention of France; in the course of this information they say, "without entering into the probable effects of this address which your (the Norwich) Society cannot fail to discover." Let us pause a moment, Gentlemen, to enquire what is that hidden thing that the Norwich Society could not fail to discover, and why it was not disclosed. These two questions are all that I suggest, though many observations arise from this letter.

These transactions were previous to the Address to the National Convention, which was in the sequel presented to that Assembly; and it is very apparent, that Hardy, the Prisoner, took a conspicuous part in that measure, and the Society not only notified their intention of presenting it to the Society of Stockford, but also to others. The Constitutional Society, it appears, declined uniting with them on that occasion, and preferred presenting one of their own. This Address, Gentlemen, may help you too, in judging of the object in view, which was darkly alluded to by the answer to the Society at Stockford. To the

various Societies which the London Corresponding Society wrote to, it may be said, that they were anxious to keep measures, in order to preserve number; and therefore temporized, and were fearful of explaining too clearly, their attachment to the existing government, but to the National Convention of France no such artifice was called for.

In attributing, therefore, the doubts and omissions in the answers to English Societies to such a view, the Counsel for the Defendant was further bound to explain the tenour of the address to the National Convention. They might contend that to the English Societies they were in prudence bound to calm the violent and excite the moderates: but to the National Convention no disguise was called for; in this address, it must be admitted that they were perfectly voluntary, and responsible for every word and sentiment which they deliberately adopted. In this address you will find no doubt or qualification whatever. It appears to contain the undisguised sentiments of determined Republicans, eagerly going out of their way to express their zeal for a Republic.

[The Address alluded to by the Lord President, as presented to the National Assembly of France from the London Corresponding Society, was given in these REPORTS in the proceedings of the Third Day, Page 35.]

The ATTORNEY GENERAL Will your Lordship refer back to shew that the prisoner was present when this Address was composed?

The LORD PRESIDENT. He was the person who actually transmitted it, and therefore any other proof is unnecessary. This Address, Gentlemen, was presented by a person of the name of Frost to the National Convention, the 18th of Nov. 1792, but in language which it is likewise material to consider. The Address of the Constitutional Society was presented at the same time by Joel Barlow.

The Society for Constitutional Information in London to the National Convention in France.

"Servants of a Sovereign People, and Benefactors of Mankind,

"We rejoice that your Revolution has arrived at that point of perfection which will permit us to address you by this Title; it is the only one that can accord with the Character of true Legislators. Every successive Epoch in your Affairs has added something to the Triumphs of Liberty, and the glorious Victory of the 10th of August has finally prepared the way for a Constitution, which, we trust, you will establish on the basis of Reason and Nature.

Considering the mass of delusion accumulated on Mankind to obscure their Understandings, you cannot be astonished at the opposition you have met both from Tyrants and from Slaves. The Instrument used against you by each of these classe, is the same; for in the genealogy of human miseries, *Ignorance* is at once the Parent of Oppression and the Child of Submission.

The events of every day are proving that your cause is cherished by the People in all your continental vicinity; that a majority of each of those nations are your real friends, whose Governments have tutored them into apparent foes, and that they only wait to be delivered by your arms from the dreaded necessity of fighting against them.

The condition of Englishmen is less to be deplored—here the hand of oppression has not yet ventured completely to ravish the Pen from *us*, nor openly to point the Sword at *you*. From bosoms burning with ardor in your cause, we tender you our warmest wishes for the full extent of its progress and success. It is indeed a sacred cause: we cherish it as the pledge of your happiness, *our natural and nearest Friends*, and we rely upon it as the bond of paternal union to the human race, in which union our own nation will surely be one of the first to concur.

Our Government has still the power, and perhaps the inclination, to employ hirelings to contradict us; but it is our real opinion that we now speak the sentiments of a great majority of the English nation. The people here are wearied with impesture, and worn out with war. They have learned to reflect, that both the one and the other are the offspring of unnatural combinations in society, as relative to systems of Government, not the result of the natural temper of nations as relative to each other's position.

Go on, Legislators, in the work of human happiness. The benefits will in part be ours, but the glory shall be all your own—it is the reward of your perseverance; it is the prize of virtue. The sparks of Liberty preserved in England for ages, like the coruscations of the northern aurora, served but to shew the darkness visible in the rest of Europe. The lustre of the American Republic, like an effulgent morning, arose with increasing vigour, but still too distant to enlighten our hemisphere, till the splendor of the French Revolution burst forth upon the nations in the full fervour of a meridian sun, and displayed in the midst of the European world the practical result of principles, which philosophy had sought in the shade of speculation, and which experience must every where confirm. It dispels the clouds of prejudice from all people, reveals the secrets of all despotism, and creates a new character in men.

In this career of improvement, your example will be soon followed; for Nations, rising from their Lethargy, will reclaim the Rights of Man with a voice which man cannot resist.

Signed, by Order of the Society.

——— Chairman.

——— Secretary.

Resolved, That the thanks of this Society be given to the Committee who prepared the above Address.

Resolved, That Mr. Barlow and Mr. Frost be deputed by this Society to present the Address of this Society at the Bar of the National Convention of France.

Resolved, That the thanks of this Society be given to Mr. Barlow and Mr. Frost, for accepting the above Deputation.

On the conduct of these Gentlemen, who presented the Address, I shall forbear all comment at present, as it is not the subject of our inquiry; and I refer to it only as it affects the prisoner, from the circumstance of the unqualified approbation that both the Societies to which he belonged gave to those Gentlemen for their deportment on that occasion, after it became known to them. It appears by the Address, that no hopes were entertained of the success of their object, until the Revolution of France held forth the example of success, and the hopes of assistance. It expressly alludes to a National Convention in England, and what effect such a meeting was intended to have you are bound to determine. This language could have no meaning, unless it be understood as congenial in sentiments to the Assembly which it addressed.

It was well observed by the Counsel for the Prisoner, that it is a cruel thing to impute to a principal the actions of an agent, when such agent exceeded the limits of his commission, unless he had approved of the conduct of his agent in the particulars in which he had exceeded his authority. But in this case the exception is fulfilled; the Prisoner did most expressly approve of all his agent did when he knew it, though what was done took place without any direction on his part. From these facts, the Prosecution calls on you to say, whether the Prisoner was not embarked in a determined course of Republicanism and not that of a temperate and orderly Reform. If words differ and are equivocal you must look to actions.

Men who are dutiful and loyal subjects, obedient to the laws, and decorous in their language, are entitled to a liberal construction in particular instances and where doubt occurs: Men of restless and mischievous designs must submit to other interpretation. Looking at the general tenor of this Society you will determine to which class the Prisoner is to belong.

Having examined the conduct of the Prisoner as connected with the Society, previous, and at the time of addressing the National Convention of France, you will then see whether his subsequent conduct has effaced any of the imputations cast on him; for such, I am bound to think, will be the effect of the answers to Norwich and Stockford, and the address and subsequent approval of the conduct of those who presented it. The latter expressly mention the probability of felicitation coming from all parts to a British Convention. Now as to the subsequent conduct of the Society, you know that Thomas Paine and Joel Barlow are authors distinguished for their direct and avowed attacks on monarchy and nobility. Indeed it is possible some good parts may be discovered in their works, but the main tendency in them is destructive to those establishments. Now these Societies not only expressly approve of their works, but at a great trouble and expence disperse them all over the kingdom.

Can this, says the prosecution, be consistent with that character for moderation, and respect to the Constitution, which the Prisoner sets up in his defence. There appears some difficulty in reconciling this doctrine and practice, but if you believe that he had at heart the wish and intent of destroying the King and Constitution, the conduct is natural and consistent. A dutiful and loyal subject, if he had been induced to disperse them for any portion of good they contained, would at least have cautioned the public against the evil tendency of the exceptionable parts, if he had not in common prudence selected what he thought serviceable, and circulated it alone. —Such a person would have said, take care while you adopt such and such sentiments, that you do not receive the unfounded aspersions against the King, with which the book abounds; while you imbibe general rights, do not learn to despise those establishments, by which they are secured. When you learn to correct the corruption of privileged orders seek not to destroy them, for they have a use and are fundamental parts of that Constitution, which we wish to preserve and invigorate.

The general tendency of these and similar publications which were circulated in the same manner, was to alienate the affection of his subjects from his Majesty, and the Constitution, under which we have so long flourished.

How much this conduct removes of the imputation previously cast upon them, you will determine, after weighing the general features and tendency of these letters.

Evils do and ever will exist in all Governments—honest reformers seek to amend them, and not to overturn and destroy a Government, because it contains them. The measures taken, and proposed to obtain this Reform, may perhaps be some indication of the extent it had in view. Some called it radical, some temperate; what it was in reality, your verdict is now called upon to ascertain.

The prosecution charges on the prisoner the plan and suggestion of the Scotch Convention, by a letter to Skirwin, in which he recommends *measures* to begin in Scotland for the people.

On the 17th May 1793, Hardy wrote to him. The expression that I wish to notice is, "We wish you to begin there." The answer to this incitement contains the mechanism of a Convention. Every part of this letter deserves

notice. It says, "Disastrous engagements must end in ruin, and the people must provide for themselves." What does this allude to? if to a want of success in continental arrangement, the Government would not be destroyed. In another part it says; "Anarchy will ensue unless organization is ready." How can this be unless the destruction of the Government was in contemplation." Again it says, "Let us prepare ourselves, and settle as to the extent of the reform we have in view." Why the defence, Gentlemen, says, that it is already settled,—namely, the Duke of Richmond's Plan. It is plain, that the writer alludes to an expected dissolution of Government, and speaks of a preparation to remedy the evils of anarchy. If it does not, are you prepared, Gentlemen, to pronounce, that these expressions refer only to a moderate and peaceable Reform, as the defence sets up, of the *existing* Government. These sentiments were sent to the prisoner, and no explanation or retraction took place. There is likewise another document of considerable importance for your investigation, the exposition of Barrere, in which he takes pains to show that a Convention may be called consistently with the existence of the Ordinary Government. A doctrine slightly alluded to in the defence by the Counsel for the Prisoner, when he talked of the original rights of the people. What he said, however, was only general, or I should have thought myself bound to have stopped him, as no Court can admit the discussion of principles which tend directly to destroy its own authority. A respect for that Gentleman, and a reluctance to interrupt the thread of his address, induced me to desist, although it was not strictly regular to investigate that subject.

On the 5th of October it appears that the prisoner wrote to Skirwin, approving of the Scotch Convention, and recommending him to write to the London Corresponding Society, proposing to them to send delegates to Scotland; but at the same time not to mention that he had ever written on the subject. Here Hardy appears in a new character; before he was not an inactive member of his Society; now he appears a principal and an intriguer. It can no longer be said that he was only a Secretary, and that what he did was official, and not personal. Delegates were accordingly sent, Messrs. Margarot and Gerald, very able men.

This Convention met for 14 days, and were then dispersed by public authority. If it had not been so, no one can say to what extent its office and power would have gone. You must look through the whole proceeding to determine that question. Application to Parliament was at first the ostensible object, but there had been one in the same year, of the sincerity of which no one could doubt, namely, the one that was made by Mr. Grey.

The sincerity of this object may, however, be well doubted, as it appears that it was expected to be of no use, and was adopted to keep the public mind in agitation. Whatever was its first object, they soon began to follow pretty closely every form and language of the National Convention of France. They adopted Primary Assemblies, Sections, and assumed the formality and stile of a solemn regular and permanent body. The meeting was opened and closed with prayer. A Committee of Finance was appointed, and it assumed the title of British Convention, and dated its first meeting. If any thing had conferred on this body the public opinion, it is impossible to ascertain how far it might have carried its authority. When these Delegates were condemned by the laws of their country, the prisoner, it appears, was very active in exciting discontents and condemnation in the public mind.

After the dispersion of this body, the plan of an English Convention took place, and concerning this you are called on to say what likewise was its real and ultimate object. If the full and fair representation that they avowed was at all consistent with the present Government, it is strange, that not one expression of decency, much less attachment, ever escaped from them when it was mentioned. If they meant no more than the Duke of Richmond's plan, surely a disavowal would have been made when so many circumstances of doubt and equivocation arose. The paper read at the Globe Tavern has an express reference to a Convention in contemplation, and you, Gentlemen, after reading it, must determine whether it be a manifesto to raise up the people, or a paper containing the germs of a temperate and peaceable Reform. At no period would it have been too late to retract hasty or erroneous opinions, but this was never thought of, each meeting exceeded the former in the violent tone of its language. The House of Commons, it may be observed, was never coupled with the full and fair representation they had in view. They never once protested against touching the King's Prerogative, or the House of Lords. They declined corresponding with the Friends of the People, whose avowed object was a Reform in the House of Commons.

The Resolutions at Chalk Farm had nothing in them relative to Reform and the preservation of the Constitution, and appear solely calculated to prepare the public mind for some grand crisis, in which a National Convention would be indispensible. Ask yourselves, Gentlemen, what was this meeting for? What object had it consistently with the defence? It appears to partake more of the nature of a second manifesto, calculated further to rouse and encourage the people, than a meeting about a temperate and peaceable Reform in one branch of the Legislature.

On hearing the Resolutions read, which they centered into one, it is astonishing that they could not see the sword of justice suspended over

them. On these and other occasions when great numbers were collected, it is some satisfaction to find that but few belonged to the Society. At Sheffield, out of 10,000 which met at the Castle Hill, only 200 belonged to the Society. The trick of proposing a petition, in order to have it rejected, was known to arise only from four Members. Those who were in the depth of the plot were but few. They decline, expressly so, because the body to which they must address themselves is not their Representative. You will, Gentlemen, compare the various Resolutions and Addresses, and then say if they be such as could have proceeded from a Society for calm and Constitutional Reform.

One witness says, that it was avowed by the President, Margarot, that addressing France indicated a wish to receive her laws. Hardy was present, yet did not contradict the assertion. Arms were in preparation, and one witness says, for the purpose of protecting the Convention; four others say, for self-defence; but a self defence in the prosecution of their designs. The evidence of these witnesses, perhaps, if standing alone, could not be entitled to much credit; but the written evidence is not attempted to be denied, and is consistent and corroborating to all of them. And further, they themselves are uncontradicted, though many facts to which they spoke, were in presence of witnesses within the reach of the prisoner. However weak they might be, separately considered, they form a part of the collective whole, from which your opinions must be formed.

In considering the evidence, I wish you to lay totally aside every opinion that I have mentioned of my own, and only to consider what I say, as it leads you to the points on which your judgment is to be formed.

You will recollect, that the defence is, that the Prisoner is a plain man, moral, peaceable, and religious in his deportment, having only at heart a Parliamentary Reform, but attached to the Constitution: You will ask yourselves how his words and actions are compatible with this assertion; and how far they are consistent with the charges brought against him by the prosecution.

Every verdict should contain the fair opinion of a Jury, but this particularly, as one principal object in this prosecution is to satisfy the country, that the Prisoner has a fair deliverance from the charges made on him.

I am sorry to be obliged to add, that the decorum and solemnity of this Court has been interrupted in the course of this trial both within and without. What can such a conduct mean, unless to interrupt all settled and ordinary proceeding. I mention it in hopes that in the course of the future trials on this subject, they will be avoided as highly improper and objectionable.

You will now, Gentlemen, retire to consider of your verdict, and though it be not strictly regular, there will, I believe, be no objection to your taking the Indictment with you. If you wish any refreshment you will mention it now, as when you withdraw to confer, it is impossible to admit of any being sent you.

The JURY. We thank your Lordship, but we do not want any.

The Jury remaining closed up for the space of three hours, the LORD PRESIDENT said that the Prisoner may retire from the bar in order to obtain some refreshment, and the Court withdrew at the same time.

In a short time afterwards the Jury entered the Court, and the Judges were sent for, and the Foreman of the Jury pronounced the verdict—NOT GUILTY.

The persons present for a few moments forgot themselves, and were applauding the verdict, but desisted from their acclamations when silence was ordered in the Court.

The LORD PRESIDENT thanked the Jury for the pains and attention they bestowed in the discharge of their arduous duty; and the Jury expressed their acknowledgments for the kindness and favour they had received.

The Prisoner, in a very laconic manner, thanked the Jury, in behalf of himself and his country, for their impartial decision.

The LORD PRESIDENT asked if there was any detainer against him; and being answered in the negative, he ordered him to be discharged, and the COURT ADJOURNED TO MONDAY SE'NNIGHT.

As soon as the verdict was pronounced, Mr. ERSKINE's countenance expressed the gladness of his heart. He immediately ran to the shops of the *Old Bailey*, and proclaimed that there was a verdict of acquittal. The intelligence was conveyed with electrical rapidity, and in a few moments the air was filled with the shouts of the multitude.

Mr. KIRBY, the Keeper of Newgate, with his usual prudence, conveyed the Prisoner through his house privately, and, on entering the coach, Mr. HARDY ordered the coachman to drive with all possible velocity. The multitude was soon apprised of the deception, and, pursuing the carriage, dismissed the horses in the Strand from their duty, and took charge of the vehicle themselves. They paraded him through many of the streets round Pall Mall and St. James's-street, through Piccadilly, and left him, as we hear, at the house of his brother-in-law, Mr. VAUGHAN, in Lancaster Court, Strand; where the first object of his attention was the tomb of his wife, who was buried in St. Martin's church-yard.

FINIS.

B M